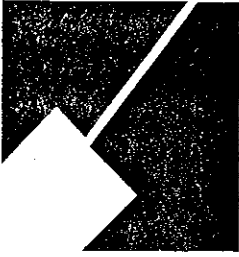


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

MCPB  
Item # 3  
1/3/02

MEMORANDUM

**DATE:** December 28, 2001  
**TO:** Montgomery County Planning Board  
**VIA:** John Carter, Chief, Community-Based Planning Division  
**FROM:** Judy Daniel, AICP, for the Department of Park and Planning

**REVIEW TYPE:** Zoning Map Amendment  
**APPLYING FOR:** Zoning Change from RE-2C to PD-5  
**REVIEW BASIS:** Chapter 59, Zoning Ordinance; advisory to County Council  
**APPLICANT:** National Seniors' Housing Corporation  
**CASE NUMBER:** G-792

**AREA:** 26.6 acres  
**MASTER PLAN:** Damascus Master Plan  
**LOCATION:** Howard Chapel Drive, approximately 3,500 feet north of MD 108

**FILING DATE:** July 19, 2001  
**PLANNING BOARD:** January 3, 2002  
**PUBLIC HEARING:** January 8, 2002 at the Hearing Examiner

STAFF RECOMMENDATION: DENIAL of the PD-5 Zone and DENIAL of the Development Plan, for the following reasons:

1. The application is not in substantial compliance with the intent of the land use recommendations of the 1982 Damascus Master Plan.
2. The application is not consistent with all applicable standards for the PD-5 Zone.
3. The proposed development, as reflected in the development plan, will not be compatible with the surrounding area.
4. The proposed development is not consistent with the Patuxent River Primary Management Area Environmental Guidelines.

5. The proposed stormwater management facility is partially off-site. The Department of Permitting Services (DPS) generally does not permit off-site facilities for private development, and the guidelines for development of this site in the master plan specifically call for all stormwater management facilities to be on-site.

## **PROPOSAL DESCRIPTION**

The applicant, National Seniors' Housing Corporation, requests rezoning of a 26.61 acre property comprised of 5 separate parcels located on Tax Map FX, including parcels 434, 588, 589, 600, and 603. The applicant requests the rezoning of this RE-2C zoned land to the PD-5 Zone (Planned Development). The largest of these properties, a portion of Parcel 434, is recommended for the PD-5 Zone in the 1982 Damascus Master Plan. The other four, much smaller properties, are not discussed in the Master Plan, and not recommended for rezoning. As shown on the attached development plan, the applicant proposes 184 units of single family, townhouse, and multi-family MPDU senior housing.

### **A. Description of Property**

The subject property comprises part of a larger parcel (commonly known as the Miller Property), and 4 smaller adjacent properties. They are located on the west side of Howard Chapel Drive approximately three-fourths mile north of the intersection with Main Street (MD 108). The portion of the Miller Property proposed for rezoning contains a total of 24.61 acres, and the four additional properties contain a total of approximately 2 acres, for a total of 26.61 acres proposed for rezoning. All of this property is currently vacant, the majority in forest or open fields. The property is an open field that slopes to the west from Howard Chapel Drive, and then becomes rolling to level until it slopes again into a forested stream buffer area. Some of the primary building areas contain slopes of 15%-25%. The property is located within a Primary Management Area of the Patuxent River.

### **B. Surrounding Area**

1. **Definition:** In a floating zone application, the surrounding area is less rigidly defined than is required with a Euclidean zone application. In general, the defined surrounding area takes into account those areas that are most directly affected by the proposed development and any special study areas that may have been defined by a master or sector plan.

In the case of the subject application, the staff defines the surrounding area as that generally taking access along Howard Chapel Drive from its intersection with MD 108 going north for approximately two miles. This is an essentially residential area that becomes more rural to the north. There are few roads to define the area.

2. Uses: The existing land uses in the area are primarily low density residential and rural or agricultural in nature. The subject property is immediately north of a neighborhood of single-family homes on one acre or smaller lots. Beyond the subject property Howard Chapel becomes more rural and very low density residential in character. Zoning in the vicinity of the subject property is RE-2C (2 acre density) along the west side of Howard Chapel, and Rural (5 acre density) along the east side.

### C. Intended Use and Approval Procedures

The Planned Development zones allow a mixture of land uses and building types in accordance with a development plan to be approved by the District Council in conjunction with the rezoning. Approval procedures for development include approval of a preliminary plan of subdivision and site plan by the Montgomery County Planning Board. A revised development plan submitted on December 11, 2001, depicts the following:

		Permitted/Required	Proposed
<b>Total Area (acres)+</b>			
	SF/TH		20.95
	Senior		5.33
	Total		26.28
<b>Zone</b>		RE-2C/PD-5	PD-5
<b>Density</b>	SF/TH	5du/ac @ 21 ac	104
	Senior#	15du/ac @ 5.3 ac	80
<b>Green Area (%)</b>		40% (10 ac)	70% (18 ac)
<b>Residential Types (units)</b>			
	SF	10%	50 (27%)
	TH	40%	54 (29%)
	MF(Senior only)	15%	80 (43%)
	Total		184
<b>Parking</b>			
	SF – 50 x 2 = 100		
	TH – 54 x 2 = 108		
	Total	208	298*
<b>MF Senior</b>			
	1BR – 48 x 1 =	48	
	2 BR – 32 x 1.35 =	44	
	Less MPDU 20% Parking Credit	<u>18</u>	
	Total	<u>74</u>	<u>80**</u>
	Total	<u>282</u>	<u>378</u>

+ Miller Property 24.61 acres, Other properties 2 acres

# Maximum density increased for elderly housing by 3 times normally permitted (59-C-7.14(d)).

\* 144 surface, 154 garage

\*\*24 surface, 56 garage

## D. Zoning History

1. Sectional Map Amendments for Damascus:
  - a. G-514 (6/17/86) – RE-2C confirmed.
  - b. G-352 (9/21/82) - RR to RE-2C enacted and mapped.
  - c. F-925 (11/19/73) – RR confirmed.
  - d. E-933 (10/4/66) – RR confirmed
2. 1958 Countywide Comprehensive Zoning: Rural Residential (RR) Zone enacted and mapped.

## E. Master Plan Recommendation

1. Land Use: The 1982 Damascus Master Plan recommends the PD-5 Zone for the 32.5 acre Miller Property, as a whole – once certain conditions are met. The other four properties that are a part of this application are not discussed in the Master Plan.

2. Base Zoning: RE-2C

## F. Public Facilities

### 1. Water and Sewer Service:

- a. Service Categories: The subject properties are currently Water Category W-3 and Sewer Category S-6. (Source: Environmental Planning Division).
- b. Water and Sewer Service: The W-3 Water Service category is an area where improvements to provide community water service will be given priority and service will be provided within two years or as development and requests are planned and scheduled.

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The applicant has asked for a sewer category change. On March 27, 2001, the County Council deferred action on the proposed sewer category change pending action by the District Council on this rezoning request. [WSSCR 00A-DAM-07] Once a decision has been made on the zoning request, the category change request can be reconsidered. (Source: WSSC)

### 2. Roads:

*Woodfield Road (MD 124) and Woodfield Road Extended (A-12)*: These road segments are classified as arterial roads in the Master Plan. The Damascus Master Plan recommends an 80-foot right-of-way with a two to five lane cross-section depending on location.

*Main Street (MD 108):* The section of Main Street between Woodfield Road and Howard Chapel Drive is classified as an arterial road in the Damascus Master Plan. This section of Main Street has a recommended 80-foot right-of-way with a two-lane cross section. Main Street has curb, gutter, and sidewalk. Streetscape and pedestrian amenities are provided.

*Howard Chapel Drive:* Howard Chapel Drive will serve as the main ingress and egress for the proposed development. Howard Chapel Drive is unclassified in the Damascus Master Plan.

### 3. Schools:

Schools serving the property are in the Damascus cluster and include Damascus Elementary School, Baker Middle School and Damascus High School. Damascus Elementary Schools is within capacity and projected to remain within capacity for the six year forecast period. Baker Middle School and Damascus High School are both over capacity. Baker is projected to remain over capacity until a six-room addition is constructed, scheduled to open in September 2005. Damascus High is projected to remain over capacity until the new Clarksburg Area High School is constructed, scheduled to open in September 2006.

The Damascus Cluster is currently under a moratorium due to the over capacity status of area schools, but an exemption is made for plans already submitted at the time the moratorium was imposed. A preliminary plan for the Miller Property was submitted before the moratorium was imposed. (Source: Montgomery County Public Schools)

## **ANALYSIS**

### **A. Master Plan**

1982 Damascus Master Plan - The 32-acre Miller Property was recommended for the PD-5 Zone in the 1982 Damascus Master Plan. Sections referencing the recommendation in the master plan are noted below with staff comments on their applicability to the rezoning in italics:

1. Reference to P-2 (page 47), a new road to provide access from Woodfield Road Extended east toward Howard Chapel Drive. It notes that this action is consistent with the 1966 Master Plan, and the road is to be built by developers of pertinent properties if or when the land develops.

*This road would provide access from Howard Chapel Drive to Woodfield Road Extended north of MD 108, allowing easier access to central Damascus for dwellings in the proposed PD-5 Zone. However, due to intervening environmental concerns regarding Patuxent River tributaries, the proposed route of this road (just along the north side of the Miller Property) is now not advised. The proposed route*

would cut across two tributaries, with possible damage to these fragile stream areas. The route of P-2 will be considered in the upcoming Damascus Master Plan process. While it may be built at a different location eventually, it will not be built at a time or location to provide alternate access to central Damascus for development on the Miller Property.

2. In the discussion of a future shopping center site (page 60) it is noted that during the plan process another site was analyzed east of the Damascus Shopping Center [the Miller Property]. The site was not selected because needed road improvement (the extension of Woodfield Road to Ridge Road) and sewerage facilities were not to be available for 10 to 20 years.

*The pertinent issue regarding this comment is that it references a location "east of the Damascus Shopping Center", and the need for the extension of Woodfield Road. Both these comments infer a site with primary access along Woodfield Road Extended – not Howard Chapel Drive.*

3. A conceptual map (page 61) indicates residential development at 5 units per acre in the vicinity of the proposed rezoning. No property boundaries are indicated, but the area extends from Woodfield Road Extended toward the east.

*Howard Chapel Drive is not indicated on this map, again inferring a site with primary access on Woodfield Road Extended.*

4. Within the discussion of the Damascus Shopping Center Area (p. 65), the Master Plan states: "A residential Planned Development (PD-5) is recommended east of the Damascus Shopping Center. This area is not planned to develop until additional sewage treatment capacity is available (sometime beyond 1995) so as not to compete with development in the Magruder Valley". Criteria listed for review of any PD-5 development application include (but are not to be limited to):

- \* Extension of Route 124 north of Main Street along the length of the property;
- \* Construction of a pumping station to pump sewage into the Magruder Valley;
- \* Construction of on-site stormwater management facilities to protect water quality in the Patuxent River basin;
- \* Pedestrian and bicycle linkages to commercial areas.

*As stated previously, the noted need for extending Woodfield Road (Route 124) implies an assumption that this will be the primary frontage for this property.*

Therefore, because the submitted application reflects primarily the eastern portion of the Miller property, with the majority of development taking access from Howard Chapel Drive only, the staff does not believe that the submitted application meets the intent of the 1982 Master Plan in recommending PD-5 for the Miller Property.

1993 Damascus Master Plan Amendment - In addition, the 1993 limited amendment to the Damascus Master Plan includes one note related to the Miller Property. In the "Background" section, page 4, it references a number of recommendations for zoning and land use that were in the original Staff Draft and are not in the amendment. Regarding the Miller Property it notes that the "entire property recommended for rezoning from RE-2C to RE-2, with 3.5 acres suitable for the PD 28 Zone."

The referenced 1991 Staff Draft includes a map indicating the Miller Property on page 55, clearly shown as a property stretching from Woodfield Road Extended to Howard Chapel Drive. Pertinent sections of the discussion of the property on page 58 include:

*This 32.5 acre property is located north of the Library / Senior Center... The 1982 Damascus Master Plan indicated that this property is appropriate for residential development at a density of five units per acre under the PD-5 Zone.*

*This property lies in the Upper Patuxent watershed. Two headwater tributaries traverse the property. This is a Class III (natural trout waters) stream and the tributaries flow to the Triadelphia Reservoir, a drinking water supply reservoir. Trees are found in the valleys of the two streams. Preservation of the stream valley, high water quality, and trees on the property is important. Based on these factors development densities on the property should not exceed one lot per two acres under the RE-2C Zone.*

*The southwestern portion of the property is adjacent to the Library/Senior Center and across Woodfield Road Extended from the Damascus Shopping Center. This location would be most appropriate for senior citizen housing. There are, however, several factors which must be considered:*

- The site is at a headwaters location in the Upper Patuxent watershed and extensive levels of imperviousness may not be appropriate;*
- There is limited area available for intense development given the stream buffers and low-density residential uses recommended for development in the Patuxent watershed;*

*Only the portion of the property southwest of the confluence of the two tributaries is appropriate for community sewer service... The remainder of the property is not recommended for community sewer service.*

*The entire property should be rezoned to the RE-2 Zone from the RE-2C Zone since it is not recommended for community sewer service at that density. Because of adjacent existing land uses, and its location as a transition between the commercial and institutional uses and the area recommended for residential use under the RE-2 Zone on the east side of the property, the recommendation for development under the Planned Development Zone should also remain. But because of the environmental constraints this recommendation is only for the southwestern portion, approximately 3.5 acres...*

Although this recommendation was removed from the 1993 amendment to the master plan, the concern regarding sewered development on the east side of the Miller Property remains. The staff believes that partial development of this property, particularly the eastern portion, at PD-5 densities was not intended.

Even without the guidance from previous evaluations, the staff believes that good community planning analysis leads to the conclusion that on a property bisected by a major protected stream valley, the higher density development would be located on the portion of the property fronting Woodfield Road Extended, which will be a major roadway in the heart of the community. Lower density is more appropriate on the east side of the streams, in keeping with the lower density suburban and rural character along Howard Chapel Drive. If the Miller Property were being considered as a whole that is the type of development plan the staff would ideally hope to see. This information serves to confirm the staff's believe that PD-5 on the east side of the Miller Property is neither appropriate nor the intent of the Master Plan.

## **B. Purpose of the Zone**

Section 59-C-7.11 of the Zoning Ordinance establishes the purpose of the Planned Development Zone as follows:

*It is the purpose of this zone to implement the general plan and the area master plans by permitting unified development consistent with densities proposed by master plans. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity that the procedures and regulation under which it is permitted as a right under conventional zoning categories. In so doing, it is intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.*

*It is further the purpose of this zone that development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities.*

*It is furthermore the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees and, in order to do so, minimize the amount of grading necessary for construction of a development.*

*It is further the propose of this zone to encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development.*

*It is also the purpose of this zone to encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities, and thereby minimize reliance upon the automobile as a means of transportation.*



*Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which offer opportunities for a wider range of related residential and nonresidential uses, it is therefore the purpose of this zone to encourage development on such a scale.*

*It is further the purpose of this zone to achieve a maximum of safety, convenience and amenity for both the residents of each development and residents of neighboring area, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.*

*This zone is in the nature of a special exception, and shall be approved or disapproved upon findings that the application is or is not proper for the comprehensive and systematic development of the county, is or is not capable of accomplishing the purposes of this zone and is or is not in substantial compliance with the duly approved and adopted general plan and master plans. In order to enable the council to evaluate the accomplishment of the purposes set forth herein, a special set of plans is required for each planned development, and the district council and the planning board are empowered to approve such plans if they find the to be capable of accomplishing the above purposes and in compliance with the requirements of this zone.*

The staff concludes that this application does not comply with the purposes of the Planned Development Zone. This conclusion is most strongly related to the proposal being for only a part of the property proposed in the Master Plan, which does not include the portion most likely for higher density development – the area located along Woodfield Road Extended. The staff believes that the discussion in the master plan of this site implies a PD-5 that is possible because of its physical relationship to the Damascus Shopping Center and Woodfield Road Extended. Only a small isolated portion of the proposed development plan has frontage on Woodfield. The rest is accessible only from Howard Chapel Drive.

In addition, one of the stated purposes is to provide a pedestrian circulation network to minimize reliance upon the automobile as a means of transportation. The submitted development plan, does propose a pedestrian trail, but it is too long a walk to be an effective pedestrian link to the facilities of central Damascus for most. Therefore this element is not realistically achieved in the submitted development plan.

The rest of the PD-Zone purpose clause elements relate mainly to elements of the Development Plan. In many ways this Development Plan does comply with these elements, but without compliance with the overall intent of the master plan, that compliance has limited relevance.

### **C. Planned Development Zone Criteria**

1. Unit Mix - The PD-5 Zone requires a minimum of 10% detached and 40% townhouse or other attached single family residences. The zone also requires 15% multi-family for the PD-5 Zone – unless the site yield is 150 or fewer units, in which case multi-family is not required but is allowed. In all cases these percentages may be waived by the District Council.

The submitted development plan proposes 27% single family detached, 29% townhouses, and 43% MPDU senior multifamily units. Higher percentages of single-family dwellings are proposed in order to provide a degree of continuity with the adjacent single-family neighborhood to the south.

2. Density of the Development - The guidelines for a Planned Development, 59-C-7.14(b) require provision of moderately priced dwelling units. Guidelines for MPDU dwellings (59-C-7.14(c), are not less than either the number of density bonus units or 12.5% of the total number of dwelling units, whichever is greater.

This development plan also provides a percentage of elderly housing under the provisions of 59-C-7.14(d), which allows an increase in density for housing elderly or handicapped persons under criteria stating, "*total number of dwelling units in the portion of the site proposed for such housing is not to exceed 3 times the density normally permitted for the same area under the density category requested. At least 20% of the elderly or handicapped housing must be MPDU units.*"

As outlined on the table on page 3, the 184 units in the proposed development will include 104 market rate single family and townhouse units, and 80 senior restricted MPDU multi-family units. The overall density proposed, including the bonus density for senior and MPDU housing, is 7 dwellings per acre.

Although this number is substantially less than the maximum density that could be allowed (184 vs. 238) the staff believes that the proposed density is not appropriate due to non-compliance with the intent of the master plan for primary access and higher density along Woodfield Road Extended.

3. Elderly Housing Criteria - Where elderly housing is proposed it must meet certain standards. The staff believes that the proposal does not fully meet the intent of all these standards as noted below:

- a. Site adequate accessibility to public or private transportation, medical services, shopping areas, recreational and other community services frequently required by elderly or handicapped persons.

*The proposed development will be in close driving distance to all the noted services, but will be inaccessible to those who cannot drive.*

- b. Such housing will not take up more than 1/3 of the total site area.

*The proposal meets this standard.*

- c. A copy of the application requesting increased density for housing elderly has been transmitted to the Department of Health and Human Services and the Department of Housing and Community Affairs by the Hearing Examiner for their comments on the application.

*The Department of Health and Human Services has indicated that they have no objection to the application. The staff has not received any comments from the Department of Housing and Community Affairs.*

- d. The parking requirements of Article 59-E applicable to housing for the elderly may be increased if the development plan proposes a project primarily concerned with providing facilities for independent living. Since the proposed dwelling units are intended for independent living only, the only element in 59-E-3.53(b) applicable is that related to the provision for reduction for units at or below the price levels for MPDUs up to 20%.

*The applicant did use the MPDU reduction, but has proposed more parking spaces than required in order to provide parking area for visitors.*

4. Compatibility - The proposal must also meet the compatibility standards of 59-C-7.15. Any use proposed in the development must be compatible with all proposed uses in the development and with other uses existing or proposed adjacent to on in the vicinity of the area in the development.

*The staff believes that the plan is not compatible with adjacent development because the overall density proposed is greater than anticipated in the master plan for this portion of the Miller Property, and no increase in density was anticipated for the other 4 properties that are a part of the subject site.*

*The applicant states that the four additional lots are included "to improve the design of the community and maximize compatibility with the surrounding neighborhood", and that they have not been used in increase density achievable on the Miller Property. The staff believes that including these properties has not increased the compatibility of the development because the overall density higher than intended for this portion of the Miller Property.*

*Finally, the staff finds it curious that one of the stated reasons for proposing a substantially dense development (7 dwelling per acre with all bonus units) is to "offset the extraordinary costs that will be incurred to develop this property" due to the cost of building a pump station, length of force main, and stormwater management improvements. The staff does not believe that the cost of doing business should be considered as a rationale for a substantive rezoning.*

5. Green Area - The green area requirements of 59-C-7.16 requires 40% of the gross area proposed for rezoning be in green area for a PD-5 Zone.

*The applicant has provided 70% green area, or 18 acres, fully meeting this requirement.*

6. Parking Requirements - The standards of 59-E-3.7 require 2 parking spaces for every single-family detached dwelling and townhouse. Applicable multi-family requirements are 1 ¼ space for every 1 bedroom unit, and 1 ½ spaces for all two-bedroom units, and 2 spaces for all three bedroom units.

*The applicant has proposed 378 parking spaces, 96 more than required. He has proposed 6 more than required for the senior housing and 90 more than required for the single family and townhouse dwellings. The additional spaces are on-street and presumably provide parking for guests.*

7. Building Setbacks - The standards of 59-C-7.15(b)(1) require a 100 foot setback of all structures other than single family homes from the property line.

*The development provides a minimum 22-foot setback for all single-family homes, and a 135-foot setback for the multi-family structure, and meets this standard.*

8. Building Height - The standards of 59-C-7.15(b)(2) require all buildings be no greater in height than their setback from the property boundary.

*The submitted plan meets this requirement.*

Overall, the staff does not believe this submitted proposal is compatible with the surrounding area because it has more intensity than envisioned by the master plan for this portion of the property, especially in the absence of the alternate connector road (P-2) to Woodfield Road Extended.

#### **D. Development Plan**

The required elements of the development plan are consistent with the applicable standards for the PD-5 Zone found under Section 59-C-7.1 of the Zoning Ordinance and the requirements for a development plan found under Section 59-D-1. However, the Board must consider whether the application and accompanying development plan fulfill the purpose and requirements of the applicable zone; and ultimately, the District Council must consider whether the application, including the development plan, fulfills the purposes and requirements for the zone. Required elements are given for evaluating the development plan, and the staff does not believe the submitted plan is in compliance with these findings as noted below:

1. The zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and does not conflict with the general plan, the county CIP or other applicable county plans and policies.

*Because only a portion of the property recommended for rezoning is included in the development plan, and because that portion is the least appropriate for higher density development, the zone applied for is not in substantial compliance with the master plan.*

2. The proposed development would comply with the purposes, standards, and regulation of the zone, providing the maximum safety, convenience, and amenity of the residents of the development, and compatible with adjacent development.

*The development plan does not meet the purposes of the zone, and the overall development is not compatible with adjacent development.*

3. The proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient

*The internal circulation is sufficient, but improvements to the access road, Howard Chapel Drive, would be required.*

4. The design would tend to prevent erosion of the soil and preserve natural vegetation and other natural features of the site.

*The proposed development plan proposes too much imperviousness to meet the intent and standards for the protection of tributaries to the Patuxent River.*

5. That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreation or other common or quasi-public purposes are adequate and sufficient.

~~*The required documents have been submitted.*~~

Overall, the staff believes that the design of the development plan is not a major issue. In a different location, with different access, it would provide a community with a good mix of residential uses. Therefore the staff concurs with the applicant's defense of the design of the development plan, but it is not appropriate at this location.

## **E. Transportation**

The staff supports approval of the transportation element of the zoning application with several conditions.

1. Trip Generation - The change in zoning from RE-2C to PD-5 will result in the following increase in the trips generated by the site. Table 1 below provides a comparison of the number of trips estimated to be generated by the existing zoning, the proposed

zoning and the development plan proposed by the developer that includes a density bonus for the inclusion of elderly housing and moderately priced dwelling units.

**Table 1**

Zoning Classification	Number of Permitted Units	Proposed Development Plan Number of Units	Generated Trips	
			AM	PM
RE-2C Existing	13 Single-Family Detached Total Units		12	14
PD-5 Proposed	130 Total Units		89	117
	58 Single-Family Detached Units		55	64
	52 Townhouses		25	43
	20 Garden Apartments		9	10
PD-5		184 Total Units	96	128
		50 Single-Family Detached Units	48	56
		54 Townhouses	26	45
		80 Senior Housing Garden Apartments	22	27

The proposed project plan submitted with the rezoning request results in an increase of 84 trips during the peak hour of the weekday morning peak period (7:00 to 9:00a.m.) and an increase of 114 trips during the peak hour of the weekday evening peak period (4:00 to 6:00 p.m.) over the trips generated under the RE-2C zoning. Street Traffic Studies, Ltd. prepared a traffic study of the subject zoning application in December of 2001. The study estimated the increase in weekday peak hour trips noted above and analyzed the impact that these trips would have on the capacity of local intersections.

2. Capacity Analysis - Traffic counts were taken during September and October of 2001. Analysis of area intersections indicated that all are operating below the Damascus Policy Area critical lane volume (CLV) standard of 1500 CLV and will continue to operate below this standard with the increased traffic related to the rezoning of the Miller Property. Table 2, provided below shows the operating capacity of area intersections under existing traffic volumes and under total future traffic (existing, background, and site traffic) conditions.

**Table 2**

Intersection Critical Lane Volume Capacity				
Intersection	Existing Traffic		Total Future Traffic	
	AM	PM	AM	PM
Main St (MD27)-Main Street (MD108) & Ridge Road (MD 27)-Parking Lot Driveway	911	1008	996	1040
Main Street (MD 108) and Woodfield Road (MD 124)	531	916	629	1082
Main Street (MD108) and Mount Vernon Avenue	269	436	340	543
Main Street (MD108) and Howard Chapel Drive	382	486	505	674
Howard Chapel Drive and Site Access (Future)			145	176

3. Recommended Improvements - Howard Chapel Drive functions as a collector street on the east side of the stream valley that cuts across the subject site. Because of the environmental problems inherent with the current location of P-2, rather than trying to develop another crossing of the stream valley it seems more logical to designate Howard Chapel Drive as the primary road to serve the subject site as well as the existing development to the north and east.

Staff, the traffic consultant, and the Maryland State Highway Administration (SHA) concur with this logic, and, therefore, recommend that Howard Chapel Drive be improved to primary standards across the site frontage including improvements at the Howard Chapel Drive and MD 108 intersection as required by SHA.

4. Staging Ceiling - As of November 30, 2001, the Damascus Policy Area had a remaining capacity of 331 housing units.

**F. Environment**

The staff has significant concerns with the environmental element of this application as discussed below.

1. Non-Compliance with Primary Management Area Guidelines - This site contains the Damascus tributaries of the Upper Patuxent River watershed, a Use III-P watershed. In addition, a spring on the site, wetlands and perennial streams are the headwaters of this tributary. Because Use III-P waters are suitable for the growth and propagation of trout and are capable of supporting self-sustaining trout populations and their associated food organisms, the hydrologic features on-site should be protected to the highest degree.

Also, all tributaries of the Patuxent and Hawlings River watersheds lie within the Patuxent River Primary Management Area (PMA). The Patuxent and Hawlings Rivers serve as the primary drinking water supply for the suburban areas of Montgomery and Prince George's counties and contains the Triadelphia and Rocky Gorge reservoirs. Due to the impact of non-point source pollution to the river and reservoirs the Patuxent River Commission and the Maryland Office of State Planning developed the *Patuxent River Policy Plan* (State Policy Plan), adopted in 1984 and Montgomery County adopted the *Functional Master Plan for the Patuxent River Watershed* in 1993. The State Policy Plan incorporates ten major recommendations to direct land use planning and management toward watershed protection. Montgomery County's *PMA Guidelines for the Patuxent River Watershed* implements the following four recommendations:

- Establishing a PMA
- Providing Best Management Practices (BMPs)
- Preserving Agricultural Land
- Protecting Forest Cover

The applicant has established the PMA boundary for the property 660-feet from the stream's edge, as required. The guidelines state that, "*overall imperviousness within the transition zone [the area between the stream valley buffer and the PMA boundary] should not exceed 10 percent*" except on properties with existing zoning densities greater than RE-2. However, since the PD-5 master plan recommendation pre-dates the PMA Guidelines, the environmental planning staff agreed to waive the 10 percent capacity and allow a maximum impervious level of 15 percent. The 15 percent imperviousness cap is derived from the *Countywide Stream Protection Strategy* (CSPS).

The CSPS references a study conducted in Maryland Piedmont headwater streams that found that macro-invertebrate diversity dropped greatly when watershed imperviousness exceeded 10-15%.<sup>1</sup> This threshold is commonly used, particularly when discussing stream resources that are particularly vulnerable to impacts such as temperature. While much of the remainder of the subwatershed will have lower density uses, imperviousness above this level in the headwaters is particularly damaging. However, the applicant has chosen to not revise the development plan to reflect a substantially lower imperviousness and it remains at approximately 29%. Should he decide to change his application to reduce imperviousness, the staff has included a range of BMPs that can be used as mitigation measures which are included in an appendix to this report.

2. Forest Conservation - The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) (#4-01176) has been submitted and approved. The applicant has submitted a preliminary forest conservation plan (FCP). If this zone change request is granted a final Forest Conservation Plan must be submitted and approved by M-NCPPC technical staff prior to record plat and prior to the release of building permit or sediment and erosion control permit, as appropriate.

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<sup>1</sup> Countywide Stream Protection Strategy. February 1998, page 25.



The entire Miller Property totals approximately 32 acres of which roughly 14 acres are forested. The applicant is proposing to rezone only 26.6 acres of property with approximately 9.7 forested acres. The applicant proposes to retain approximately 7 acres of existing forest to meet the requirements of the forest conservation law.

The applicant also proposes a hard surface trail through the forest conservation easement and stream valley buffer to connect the development project with the central Damascus area. The staff notes that construction of this trail will reduce the acreage of forest retention and may require the applicant to provide reforestation.

3. Stream Bank Protection - The stream banks running through the property are badly eroded along portions of the tributaries that runs through the property. This causes considerable sediment to be washed into the Patuxent River water supplies and impedes spawning by existing populations of naturally reproducing brown trout in the Patuxent River. Stream restoration, including stream bank stabilization, would be needed particularly along the upper reaches of the stream, should the rezoning be approved.

4. Stormwater Management - A stormwater management (SWM) concept plan has not been submitted to the Department of Permitting Services (DPS) for the proposed rezoning although the submitted schematic drawings indicate one stormwater management facility. An issue with this proposed location of the facility is that it is partially located off-site. DPS typically requires that all stormwater management facilities be contained entirely on-site. In addition, this on-site requirement is specifically cited in the master plan for review of a PD-5 Zone at this site. Therefore, at this time the DPS cannot formally comment on the proposed stormwater management facility without a concept plan, although it appears that the stormwater plan will have to be modified to eliminate the off-site element. Approval of any development on the site will require the applicant to comply with DPS requirements for sediment and erosion control and stormwater management, which may require a reduction in density to meet those requirements on-site.

5. Sewage Treatment - The Washington Suburban Sanitary Commission's (WSSC) review of the sewer category change request noted that the provision of public sewer service to this site requires a wastewater pumping station and force main. Wastewater pumping stations typically require a designated lot sized appropriately for the structure relative to the development's demand. The schematic plan does not indicate where this facility will be located but the applicant has suggested that the proposed pumping station will be located within the stream valley buffer (SVB).

The staff recommends that the pumping station be located outside the SVB to eliminate adverse effects of this priority watershed. If encroachment into the SVB is *absolutely* necessary mitigation can be expected.

Also, the force main typically requires a right-of-way (ROW) of approximately 35 feet in width. Again, the schematic plan does not indicate where this ROW will be located. However, encroachment into the SVB is anticipated and mitigation measures can be expected. If the rezoning is approved and the sewer category change is approved, M-NCPPC environmental technical staff reserves the right to assist the applicant in locating such ROW to better protect environmentally sensitive areas.

Overall, the most troubling elements of this application from an environmental perspective include excessive imperviousness and lack of a stormwater management plan that meets the normal guidelines of DPS or the guidelines for the property in the master plan.

#### **G. County Housing Policy Evaluation:**

This application is generally consistent with the Montgomery County Housing Policy. The proposed project offers a mix of housing types, and includes 80 units of senior housing affordable to moderate income households. The project conforms to all the relevant objectives of the Housing Policy, most important: variety and choice in housing, communities with affordable housing, and housing for all stages of life.

Currently, specialized housing for older residents in Damascus consists of two group homes that can accommodate a total of 15 residents. There are only three other group homes in the rural up-County area (in Poolesville, Clarksburg, and Barnesville) which together can accommodate up to 20 residents. There are no nursing homes or age-segregated apartments.

The Damascus and Clarksburg areas currently contain 2,041 residents aged 65 or older. Damascus and its environs account for most of these (2,133). If this area is to offer the same level of senior housing as the entire County, senior housing should be available to accommodate 8.5% of the older residents. To provide for residents of the Damascus and Clarksburg areas, 258 units are needed. To provide for just Damascus and its rural environs, 181 units are needed. The proposed 80 new units would provide a significant increase above the current 35 group home spaces.

On the whole, the County offers a fair supply of senior housing. However, the existing complexes are generally too far away to allow Damascus area residents "to remain in the community as they grow older" as preferred in the County Housing Policy, and the proposed senior housing element in the submitted PD-5 plan would address this situation.

However, while the demographics support demand for senior housing in Damascus and the overall project offers a nice mix of unit types in keeping with the County's Housing Policy, the staff is somewhat concerned about the specific location of the senior housing. Because the need for senior housing is limited we anticipate that there will be few senior housing facilities built in the area. Consequently, we would prefer the housing that is built to be in the best location possible. In this case, we would prefer a location closer to the center of town and to shops and other services desired by the

elderly. Locating the senior housing component on the west side of the property, accessible to Woodfield Road Extended, would better meet those objectives and would be preferable if it could be achieved.

#### **H. Citizen Issues**

The staff met with group of about 20 area residents, primarily from the area along Howard Chapel Drive and nearby local streets who will be the most impacted by this proposal. They are generally opposed to the submitted plan on the basis of concern regarding impact on traffic congestion, improvements that may be needed to Howard Chapel Drive, additional crowding at area schools, and the location of a development of this much additional density without direct access to Woodfield Road. In addition, they share the staff concern that an application of only a portion of the Miller Property, which does not include the entire area fronting on Woodfield Extended, does not meet the intent of the Master Plan. A number of letters addressing these concerns are attached to the staff report.

#### **I. Conclusions**

The staff concludes that this zoning map amendment and the development plan will not be consistent with the purpose clause and all applicable standards for the PD-5 Zone; will not be in substantial accord with the land use recommendations of the 1982 Damascus Master Plan, and will not be compatible with the surrounding area. Therefore, the staff recommends **denial** of the PD-5 Zone and **denial** of the development plan.

The central problem with this application is that it proposes an area for development that is not as envisioned by the Master Plan. The staff believes that the intent of the Master Plan was for a development encompassing the entire Miller Property, which fronts on both the Woodfield Road extension and Howard Chapel Drive. This would allow a development with primary access from a major roadway in central Damascus and secondary access from P-2; and thus have a minor impact on the more rural Howard Chapel Drive and the Howard Chapel, MD 108 intersection.

However, the submitted plan is primarily focused on the portion of the property fronting Howard Chapel Drive, and only one small isolated portion of the Miller Property would front on Woodfield Road. Further, due to intervening environmental considerations, the "P-2" access road, which would have provided alternate access to Woodfield Road Extended as a part of this development, is no longer recommended to be built at this location. In addition, the applicant has included 4 additional small tracts within the plan area that are not recommended for the PD-5 Zone in the Master Plan.

The staff believes that this proposal is the victim of a number of issues that have evolved in the 20 odd years since the PD-5 was first recommended for the site. These issues cumulatively lead the staff to conclusion that PD-5 is not appropriate for the portion of the Miller Property being proposed for the rezoning.

The most significant issue is that the most developable portion of the site – the portion of the Miller Property with frontage on Woodfield Road, is not available for development due to an ongoing dispute between Mr. Miller and the State of Maryland. This dispute revolves around the taking of a portion of this property fronting on Woodfield Road Extended for use as a stormwater pond. The staff believes that it is extremely unfortunate that the State built a large stormwater pond at this location, directly across from the shopping center in the heart of Damascus. The state could hardly have chosen a worse site in terms of its impact on good town planning, and impact on the developability of Mr. Miller's property.

The environmental concerns are also valid. The Patuxent PMA Guidelines were created long after the PD-5 Zone was recommended and reflect our evolution in environmental protection policy. They are especially important for the property on the east side of the tributaries. Land in closer proximity to, and with direct access to the central Damascus business district, might need to be allowed additional density in the interest of rational community planning. But the bulk of the property proposed for this rezoning is on the east side of the pertinent tributaries, and adherence to the 15% imperviousness recommended by the Environmental staff is strongly recommended.

Also, while it appears that the traffic from the project would not overwhelm Howard Chapel Drive, the development would require substantial improvements to Howard Chapel to bring it to primary standards and improvements the Howard Chapel and MD 108 intersection. These changes would substantially change the character of Howard Chapel in the vicinity of the development.

If the proposal should be approved for rezoning, a number of conditions related to environmental constraints and transportation would be necessary. The environmental criteria are in an Appendix to this report, and the transportation conditions – primarily the upgrading of Howard Chapel Drive to primary road standards – are as noted in the report. However, the staff does not believe that the proposal should go forward as proposed due to the problems discussed. The staff also reiterates the misgivings noted regarding the location of senior housing at this location. With probable limited opportunities for building senior housing in the Damascus area, it would be far preferable to have it located on the west side of the property, with immediate access to the services and facilities offered in central Damascus.

#### **Attachments**

Vicinity Map in relation to site.

1982 Master Plan Land Use and Road Map

1982 Master Plan Schematic Business Area land Use Plan

Development Plan

Civic Association Letters

## Appendix I Environmental Measures

Following is a list of suggested BMPs that the applicant may use as mitigation measures for exceeding the 10 percent imperviousness (with a maximum of 15% impervious surfaces) and comments as to how these BMPs may relate to the site:

1. Locating and possibly clustering development to maximize suitable developable land areas and to minimize negative impacts to water quality and other environmental considerations such as tree stands and wetlands;
2. Widening the stream buffer area to ensure increased infiltration of pollutants, nutrients, and sediments over the extended run;
3. Utilizing more innovative and effective stormwater management. Maximize infiltration and design ponds to effectively mitigate for both temperature and nutrient/sediment removal. Design for the ten-year storm rather than the required two-year storm. (Comments: It has been suggested to the applicant that vegetated roofs be installed on the senior housing buildings to utilize more innovative stormwater management);
4. Applicant may design and implement their own innovative BMPs upon staff and Planning Board approval. The goal with this option is to foster and encourage an effort to devise and implement effective, innovative and environmentally sensitive land management practices.

The CSPS assesses the Damascus tributary as having good stream conditions and good habitat conditions, labeling it as an Agricultural Watershed Management Area and a Priority Watershed. Within this management area, the assumption is made that the predominant land use will be agriculture. Following is a list of BMPs recommended in the CSPS for Agricultural Watershed Management:

- Expanded stream valley park acquisition or dedication;
- Increased forested buffer requirements;
- Expanded protection for wetland recharge and hydrology;
- Imperviousness surface reduction strategies;
- Targeting of public education efforts and water pollution discharge enforcement programs.

*If the rezoning is approved, staff recommends that the first four of the above BMPs be implemented to preserve the integrity of the stream and watershed due to the substantial increase in imperviousness.*

As a priority watershed, stream protection strategies presented in the CSPS directly address the County's adopted water quality goals by focusing on:

- Protecting the highest quality streams;
- Maintaining existing conditions and reversing past trends of stream deterioration;
- Restoring degraded streams.<sup>2</sup>

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<sup>2</sup> Countywide Stream Protection Strategy. February 1998, page 33.

The Damascus tributary falls under the category of “maintaining existing conditions and reversing past trends of stream deterioration.” Such identified subwatersheds tend to be in good condition but field indicators show evidence of accelerated erosion processes. These are signs of instability in stream habitat that could impair the future quality of the stream. However, current protection efforts and actions may allow the County to avoid future needs for major and costly in-stream erosion control and habitat restoration measures.

Following is a list of suggested BMPs that the applicant may use as mitigation measures for exceeding the 10 percent imperviousness (with a maximum of 15% impervious surfaces) and comments as to how these BMPs may relate to the site:

- Locating and possibly clustering development to maximize suitable developable land areas and to minimize negative impacts to water quality and other environmental considerations such as tree stands and wetlands;
- Widening the stream buffer area to ensure increased infiltration of pollutants, nutrients, and sediments over the extended run;
- Utilizing more innovative and effective stormwater management. Maximize infiltration and design ponds to effectively mitigate for both temperature and nutrient/sediment removal. Design for the ten-year storm rather than the required two-year storm. (Comments: It has been suggested to the applicant that vegetated roofs be installed on the senior housing buildings to utilize more innovative stormwater management);
- Applicant may design and implement their own innovative BMPs upon staff and Planning Board approval. The goal with this option is to foster and encourage an effort to devise and implement effective, innovative and environmentally sensitive land management practices.

#### Environmentally Sensitive Design

Environmentally sensitive design aspects such as innovative wastewater technologies, water efficient landscaping (native species), renewable energy sources, construction waste management, the use of certified wood products, recycled material, energy efficient appliances and lighting, and natural lighting should be considered. Additional sensitive design would include appropriate siting of the houses (i.e., south facing) and vegetation strategically placed to provide shade in the summer and insulation during the winter. Moreover, homeowner association (HOA) control of lawn care and green space could reduce the amount of fertilizer used, thereby reducing the amount of nutrients reaching the streams on the way to the Chesapeake Bay.

#### Summary of Conditions of Approval if the rezoning is approved:

1. Project not to exceed 15% imperviousness.

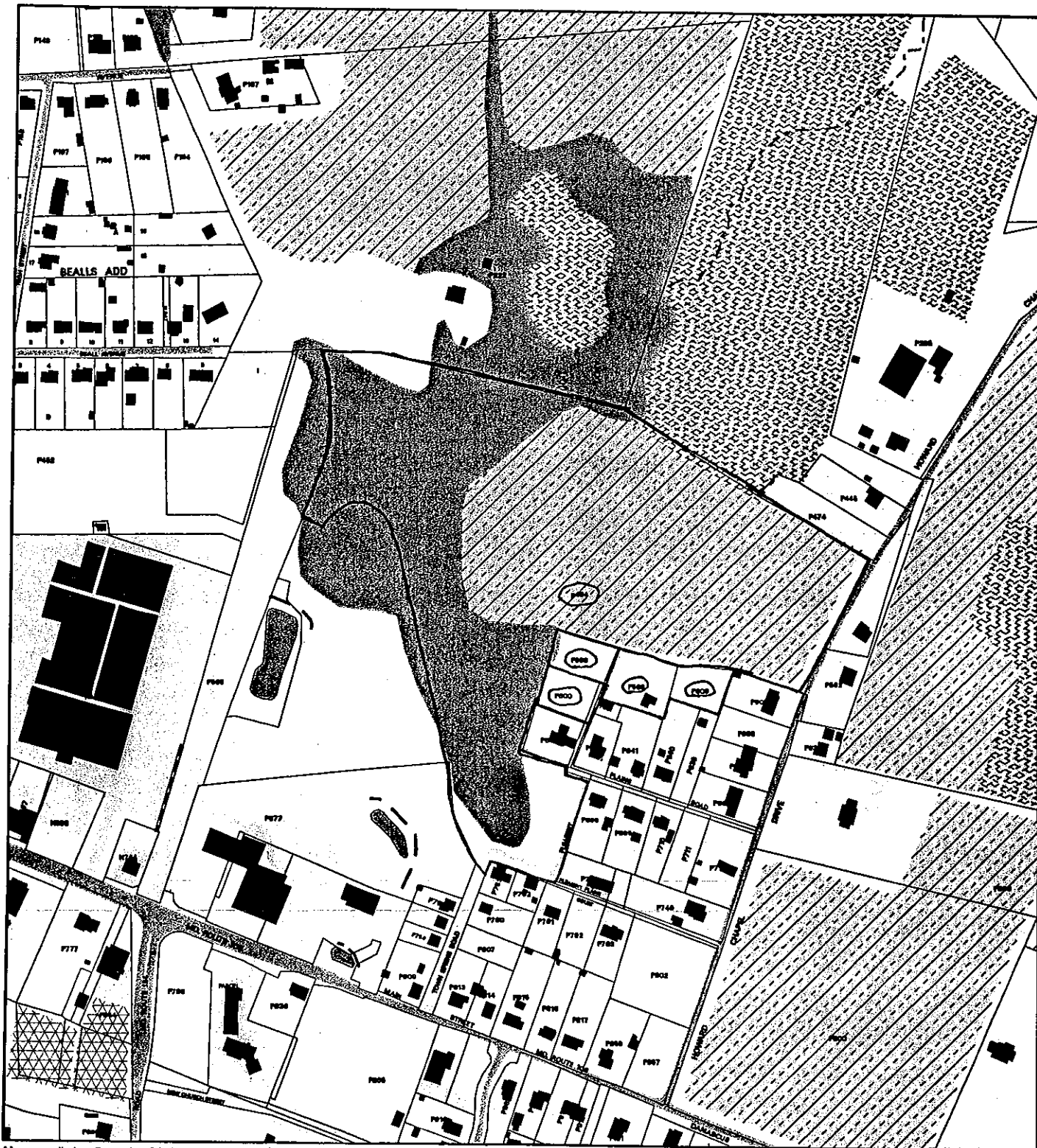
2. The following Best Management Practices to be implemented to minimize the impacts of the high density zone, particularly the high level of imperviousness, on water quality:

- Expanded stream valley park acquisition or dedication;
- Increased forested buffer requirements;
- Expanded protection for wetland recharge and hydrology;
- Imperviousness surface reduction strategies;

3. A final Forest Conservation Plan must be approved by M-NCPPC technical staff prior to record plat and prior to the release of building permit or sediment and erosion control permit, as appropriate.

4. Applicant to comply with the Department of Permitting Services requirements for sediment and erosion control and stormwater management.

5. Applicant to comply with the Washington Suburban Sanitary Commission requirements for water and sewer.



Map compiled on December 20, 2001 at 10:26 AM | Site located on base sheet no - 237NW09

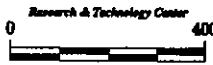
**NOTICE**

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

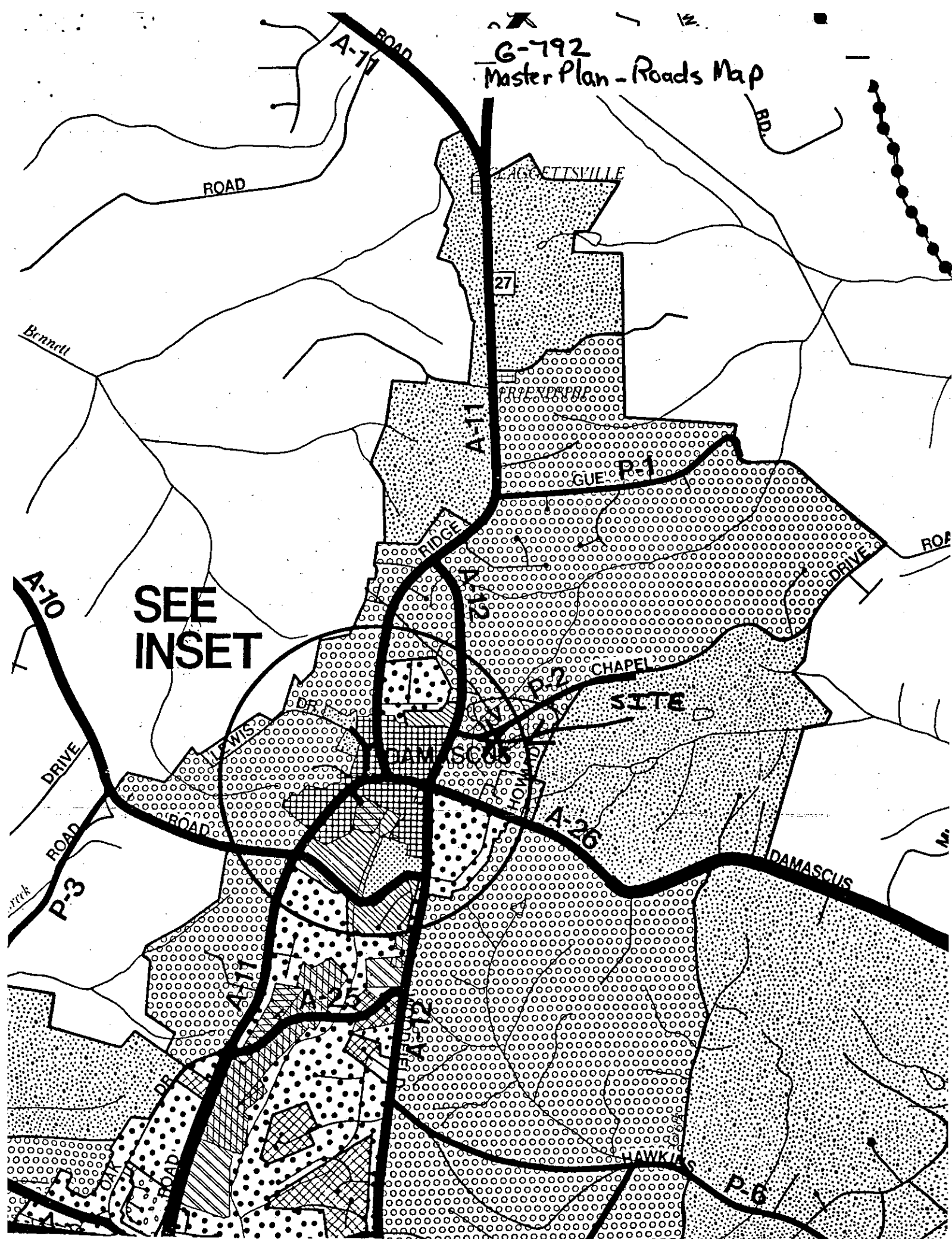
Key Map



1 : 4800



G-792  
Master Plan - Roads Map



SEE  
INSET

ASCETTSVILLE

27

A-11

P-1

BRIDGE

A-10

CHAPEL

SITE

DAMASCUS

A-26

DAMASCUS

HAWKINS

P-6

Bennett

A-10

DRIVE

ROAD

P-3

ROAD

DR

ROAD

ROAD

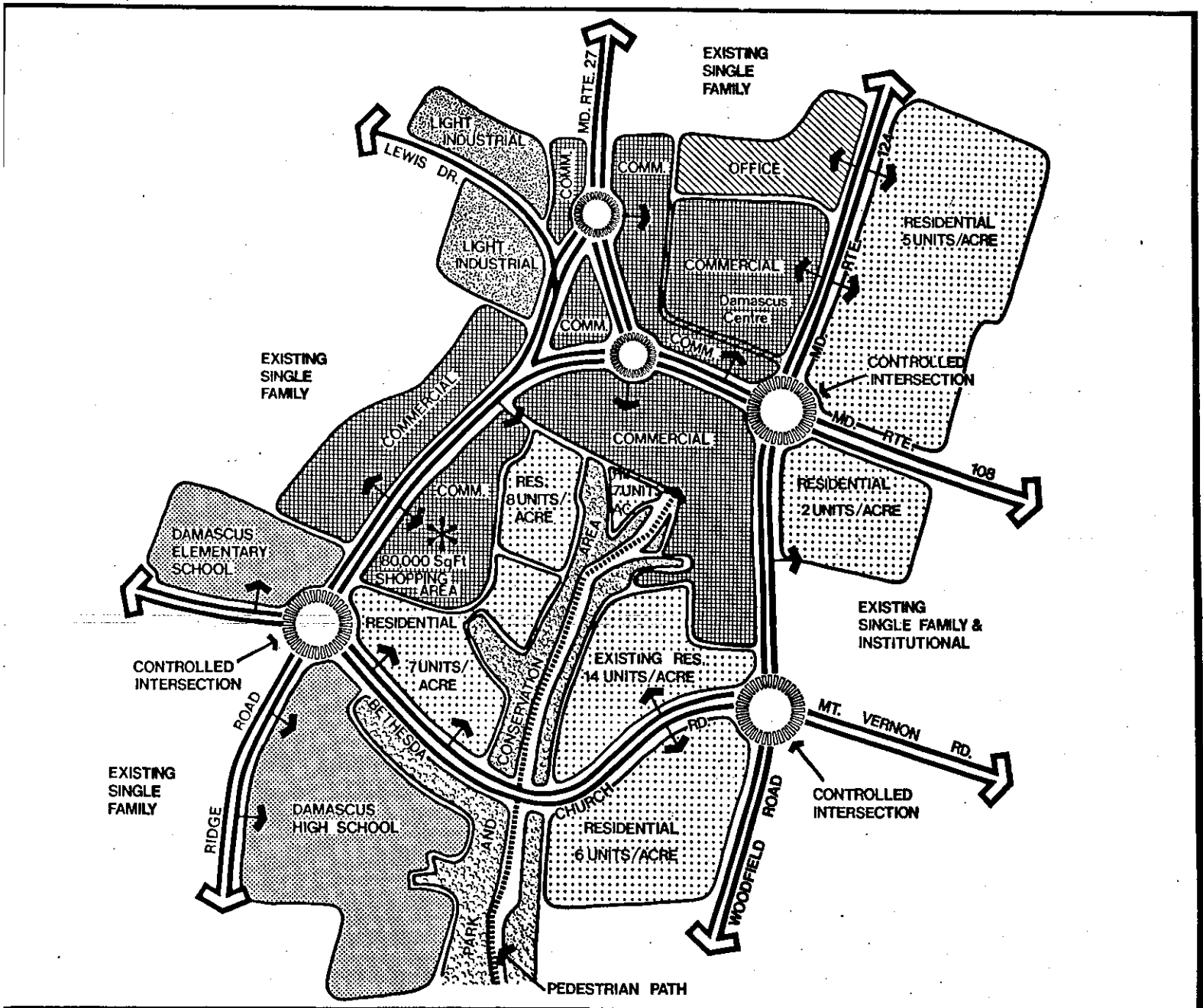
ROAD

RD

ROAD

RD

# BUSINESS AREA LAND USE PLAN





DAMASCUS SENIOR CENTER  
ADVISORY COUNCIL

9701 Main Street  
Damascus, MD 20872-2055  
301-253-1801

Dec. 5, 2001

To Whom It May Concern:

I've been director of the Damascus Senior Center for almost ten years. I've seen many of our seniors move out of the area when they needed to leave their homes for apt. living. The key to this apt. living is not the apt. but the services that an assisted senior apt. offers. We are not in need of apt. for seniors here in Damascus. We are desperately in need of a complex that offers services that range from housekeeping + congregate meals to assistance with personal care, med. + transportation. The best situation would be a continuing care facility which also go as far as a nursing/rehab. home.

I also get calls from younger Damascus residents who want to bring their parent/parents in from out of state. They are always looking for an assisted living facility that the elder can age in <sup>in</sup> need + services.

Please consider this type of housing for Damascus.

Thank you.

Leslie Chepenid  
Center Director  
(301) 253-1801

Peggy May  
27133 Ridge Rd.  
Damascus, MD 20872

December 16, 2001

Ms. Judy Daniel  
Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20920

Ms. Daniel,

I am writing in reference to Rezoning Application No. G-792. This rezoning would allow the National Senior Housing Corporation, Inc. to build up to 200 homes on Howard Chapel Drive in Damascus. The current zoning would allow only 10 to 13 new homes to be built. The new development plans include only one senior housing apartment building with 40 units. The other 160 homes would be for families.

The Damascus cluster schools are critically overcrowded. The situation is so serious that the county has imposed a moratorium on residential development. Damascus High School and Baker Middle School currently have eight portable classrooms each. The core facilities at each school are being strained. Enrollment is projected to increase over the next several years, but the county has delayed the addition to Baker, improvement to the high school, and the opening of a new high school in Clarksburg. There is literally no room for the students we have now, and many new developments have already been approved. Damascus High School is considering a split day schedule, with some students attending in the morning and the rest in the afternoon. Some students currently go without lunch because the cafeteria is so overcrowded.

The addition of two hundred new homes to Damascus would be a disaster for our schools. It would also be a disaster for our roads. We simply do not have the infrastructure to support more development. I ask you to please recommend against rezoning this property for high-density housing. Thank you for your time and consideration.

Sincerely,

*Peggy May*  
Peggy May

DEC 30 2001

Bruce Rownaghi  
25137 Woodfield School Road  
Gaithersburg, Md 20882  
December 17, 2001

Dear Ms. Daniel,

I am writing in response to Rezoning Application Number G-792 regarding rezoning of the Howard Chapel Drive plot of land in Damascus, Maryland. I am certain that I am not alone in my concern regarding the implications this development would hold for the Damascus community.

My husband and I purchased land in the Damascus area in order to escape the congestion in the Bethesda, Rockville, Gaithersburg areas. We have lived here for the past 10 years. Unfortunately, we have not been able to escape all development that has been evident in Montgomery County. The past three years, large tracts of farm land have been converted into large housing developments. This has created multiple problems for the area of Damascus.

First and foremost, the Damascus school community is currently unable to provide adequate space for the existing students. On top of this, additional numbers of students will pour into already overcrowded schools. Our community is not yet scheduled for upgrading of the existing facilities. My youngest daughter is in Baker Middle school with over 600 student in the sixth grade alone. The school is supplemented with portable buildings that are inadequate to hold the increasing numbers of students. Continued development of the type that is being planned, needs to be reviewed. We have not yet found a way to meet the needs of the community students with existing facilities and still additional students will continue to overburden this area. There are no recreational activities for these students for after school as well. This causes large numbers of high school students to simply "hang around" after school which will lead to issues with safety and security and increased crime.

I would urge you to reconsider the rezoning of this area. We need to bring our current situation under control before increasing the load of students on our already overburdened area. This community is so very rural that I don't understand the need for a seniors living area since it would be very difficult for them to have access to community facilities.

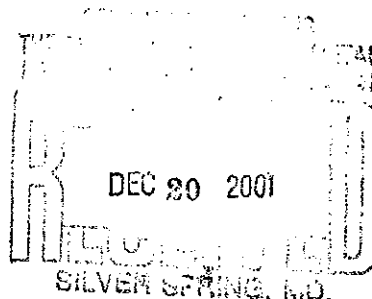
Additionally, the growing issue of traffic is a real and difficult one. The main roads into and out of Damascus are two lane roads. The rush hour traffic on these roads is becoming more and more heavy and it is beginning to look like the Rockville Pike on certain stretches of road at rush hour.

We love the Damascus community and hope that your input will allow this community to grow in the appropriate manner. We want our children to have schools and facilities that can meet their needs. We don't want to see the needs of the community fall even more short of the children of this area.

I hope that you will carefully consider the rezoning of this area. We, as a community, are very concerned about any additional growth of this magnitude. Please **stop the rezoning** and allow us to fix our current overcrowding issues. We do not need additional problems to overtax this system.

Thank you for your time.

Sincerely,  
*B. Rownaghi*  
Bruce Rownaghi



December 17, 2001

Ms. Judy Daniel  
Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue,  
Silver Spring, MD 20910

Subject: Rezoning Application No. G-792.

Dear Ms. Daniel:

We believe that the proposed Rezoning Application, No. G-792 should be immediately rejected by both the Maryland National Capital Park and Planning Commission and the Zoning Board. This proposal represents a 1,700% increase in the number of development units allowed.

This development is in the Damascus School Cluster. The Damascus School Cluster is under a building moratorium for residential construction, and will be so for many years because the school system can not fund the necessary increase in capacity to the high school (an entire new high school is planned but unfunded) due to the extreme overcrowding at Damascus High School. At best, the school overcrowding problem can not be corrected for at least 5-10 years.

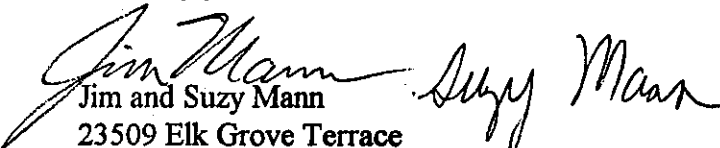
This proposed project has somehow been excluded from the moratorium on construction. At its current zoning, the project will consist of 13 single family houses and therefore will add 13 families to the school system. The resulting impact is small on each school (elementary, middle and high school).

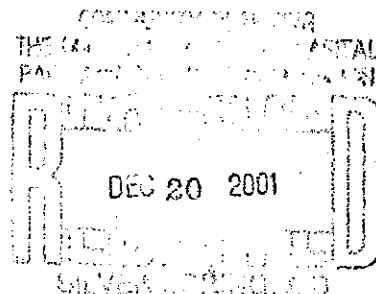
We understand the desire of the property owner to develop the property, however, this re-zoning application places a significant burden on the other tax-payers of Montgomery County to provide the services (especially schools and roads) necessary to support this new development.

We therefore ask you to **RECOMMEND AGAINST** this re-zoning proposal.

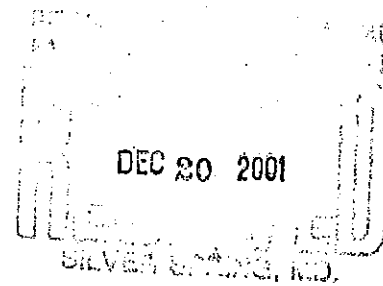
Thank you for your interest in this matter.

Sincerely yours,

  
Jim and Suzy Mann  
23509 Elk Grove Terrace  
Damascus, MD 20872



Debra Rownaghi  
25137 Woodfield School Road  
Gaithersburg, Md 20882  
December 17, 2001



Dear Ms. Daniel,

I am writing in response to Rezoning Application Number G-792 regarding rezoning of the Howard Chapel Drive plot of land in Damascus, Maryland. I am certain that I am not alone in my concern regarding the implications this development would hold for the Damascus community.

My husband and I purchased land in the Damascus area in order to escape the congestion in the Bethesda, Rockville, Gaithersburg areas. We have lived here for the past 10 years. Unfortunately, we have not been able to escape all development that has been evident in Montgomery County. The past three years, large tracts of farm land have been converted into large housing developments. This has created multiple problems for the area of Damascus.

First and foremost, the Damascus school community is currently unable to provide adequate space for the existing students. On top of this, additional numbers of students will pour into already overcrowded schools. Our community is not yet scheduled for upgrading of the existing facilities. My youngest daughter is in Baker Middle school with over 600 student in the sixth grade alone. The school is supplemented with portable buildings that are inadequate to hold the increasing numbers of students. Continued development of the type that is being planned, needs to be reviewed. We have not yet found a way to meet the needs of the community students with existing facilities and still additional students will continue to overburden this area. There are no recreational activities for these students for after school as well. This causes large numbers of high school students to simply "hang around" after school which will lead to issues with safety and security and increased crime.

I would urge you to reconsider the rezoning of this area. We need to bring our current situation under control before increasing the load of students on our already overburdened area. This community is so very rural that I don't understand the need for a seniors living area since it would be very difficult for them to have access to community facilities.

Additionally, the growing issue of traffic is a real and difficult one. The main roads into and out of Damascus are two lane roads. The rush hour traffic on these roads is becoming more and more heavy and it is beginning to look like the Rockville Pike on certain stretches of road at rush hour.

We love the Damascus community and hope that your input will allow this community to grow in the appropriate manner. We want our children to have schools and facilities that can meet their needs. We don't want to see the needs of the community fall even more short of the children of this area.

I hope that you will carefully consider the rezoning of this area. We, as a community, are very concerned about any additional growth of this magnitude. Please **stop the rezoning** and allow us to fix our current overcrowding issues. We do not need additional problems to overtax this system.

Thank you for your time.

Sincerely,  
*Debra Rownaghi*  
Debra Rownaghi



**Damascus Community Alliance**  
"A Voice of Common Unity for a Community that Cares"

December 19, 2001

**Board of Directors**

Douglas Boline  
(H) 301-414-0389

Bret Duncan  
(H) 301-253-0007

Janet Reister  
(H) 301-670-2539

Gary Richard  
(H) 301-253-2287

John M. Richards  
(H) 301-482-2085

Randy Scritchfield  
(W) 301-253-5030

Don Spence  
(H) 301-253-2977

Peggy Stone  
(W) 301-216-0004

Bill Thimmesch  
(H) 301-368-9028

Judy Daniel  
MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Via Facsimile

Dear Judy,

I am writing you on behalf of the Damascus Community Alliance to express our concerns and questions regarding the proposed development in Damascus by National Senior Housing Corporation on what is known as the "Miller Property".

Although we have many questions regarding this development, we are most concerned about the proposed zoning change and the rationale supporting same. We feel that it may be inconsistent with the Master Plan.

It appears to us and, according to those that were part of the original Master Plan process, that the subdividing of this parcel and, excluding the portion of the parcel that is contiguous to Route 124, is inconsistent with the Master Plan.

We have additional concerns including but not limited to the following:

- \* the number of units in this planned development
- \* the type of "senior housing" which is to be built

We look forward to getting back with you soon regarding further details, as we will be researching these Master Plan issues. Thank you for your consideration.

Sincerely,

*Randy*

Randy L. Scritchfield, Chairman  
Damascus Community Alliance

RLS/mjk

24416 Club View Drive  
Damascus, MD 20872  
December 19, 2001

Ms. Judy Daniel  
Maryland National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: Rezoning Application G-792

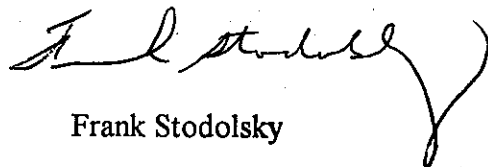
Gentlemen:

As a Damascus citizen concerned about the lack of adequate infrastructure, I oppose the rezoning of the subject application by National Senior Housing Corp. for these reasons:

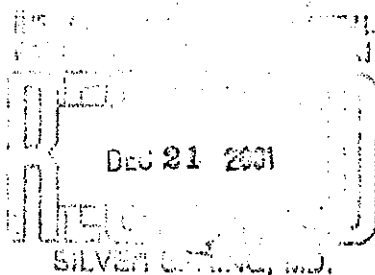
1. The plan, which will result in higher housing and population density than on the existing master plan, is contrary to the FY 2002 Annual Growth Policy and earlier policies that state "... **administration of the Adequate Public Facilities Ordinance must at all times be consistent with the adopted master plans and sector plans.**" (page 15, FY 2002 Annual Growth Policy). What is important here is that this is a basic responsibility of the Commission that goes beyond the arbitrary nature of "moratoria" and complicated, contrived "staging ceilings."
2. The applicant uses S6 (Senior Housing) to avoid review of adequate public school capacity. There is no assurance that the property will be used solely for this purpose.
3. The applicant keeps changing their plans, which makes it difficult for the citizens to adequately review and comment on the revisions. The public has a right to review and comment on plan revisions. Back-room politics must cease.

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Sincerely,



Frank Stodolsky





WILDLIFE ACHIEVEMENT CLUB CHAPTER  
OF THE IZAAK WALTON LEAGUE OF AMERICA, INC.

P.O. BOX 118, Damascus, MD 20872



DEC 24 2001

Ms. Judy Daniel  
Maryland National Capitol  
Park and Planning Comm.  
8787 Georgia Ave.  
Silver Spring, MD 10910-3760

December 19, 2001

The wildlife Achievement Chapter of the Izaak Walton League in Damascus Maryland has, for nearly thirty years, provided stewardship for the upper Patuxent River. The chapter has held annual river cleanups, planted trees, and monitored water quality of this important tributary of the Chesapeake Bay.

In light of our ongoing commitment to the preservation of this watershed, we are opposed to the development of the open land under consideration in zone file G792.

The proposed high-density development would add considerable runoff to the adjacent stream, a tributary of the Upper Patuxent. According to the countywide stream protection strategy, the upper reaches of this tributary already show impacts from the imperviousness in the Damascus Town Center. Increased runoff into the streambed will cause degradation of the riparian buffer, erosion, and increased sedimentation. The resultant addition of petroleum products (from vehicular traffic within the developments paved areas), and other pollutants (from landscaping fertilizers and pesticides), carried by this substantial runoff, will ultimately degrade the stream. All of these factors would likely serve to reduce water quality in the Upper Patuxent which is, and we would hope will continue to be, one of Montgomery County's premier streams, as well as a vital link in our drinking water supply.

High-density development in this case is, in our opinion, inappropriate land use.

This opinion has been approved by the board of directors of our chapter.

Edmund S. Burrows  
President  
Wildlife Achievement Chapter  
Of the Izaak Walton League of America

*P.S. ATTACH TO THE  
TECHNICAL STAFF REPORT*

Ms. Judy Daniel  
Maryland National Capitol  
Park and Planning Comm.  
8787 Georgia Ave.  
Silver Spring, MD 10910-3760

December 20, 2001

Dear Ms. Daniel,

I am writing to express concern over the proposed development of the Miller property currently under zoning review as G792, Parcel 434.

While I am not anti-development, the proposed PD-5 zoning change far exceeds what this parcel can support. My objections are as follows:

- I believe the original PD-5 zoning applied to the western side of the stream buffer, which had access to Rt. 124 extended. In addition, parcels 588, 589, and 603 were acquired after the fact. They should not be lumped in.
- Howard Chapel Drive is not sufficient to carry the additional traffic flow this development would create. Its intersection with Rt. 108 is dangerous enough without the additional load.
- The stream water management pond is not located within the property boundaries.
- The proposed density is inconsistent with the existing neighborhood and would adversely affect property values.
- The schools are overcrowded now. The additional load would be disastrous.
- To create this development under the disguise of senior housing is shameful. The area has no senior-friendly attributes; no transportation, limited healthcare, no nearby hospital. These apartments are for independent people. Most area seniors live in their houses until they die. If they can't care for themselves, they will go where assisted living is available, not here. This developer is interested only in making money, not what seniors need.
- The grading necessary could lead to homes on the north side of Pleasant Plains Rd. losing their septic drainage. Can the developer ensure this will not happen?
- Lastly, to create such a large development on the fringe of a stream buffer is criminal. This Patuxent feeder would be endangered as increased runoff and contaminants could find their way into the drinking water supply.

Please attach this letter to your technical staff report. Thank you very much for your consideration of this matter.

Very truly yours,



James Piateski

(301) 601-2954

Piateski  
9505 Pleasant Plains Ct.  
Damascus, MD 20872-1932

DEC 24 2001

21 December, 2001

Dr. Michael and Cynthia Zyzak  
26904 Overlook Street  
Damascus, MD 20872

Maryland National Capital Park and Planning Commission  
ATTN: Ms. Judy Daniel  
8787 Georgia Avenue  
Silver Spring, MD 20910

Ms. Daniel,

I would like to start by saying "Thank you" for your efforts concerning the Rezoning Application No. G-792.

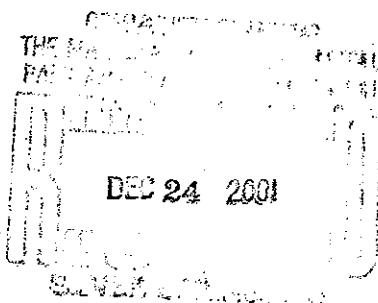
Our main issue in this matter is the impact on the Damascus Schools. The planned development of 184 units in this division contradicts the Adequate Public Facilities Ordinance. We have children in Damascus HS, Baker MS, and Damascus ES and all three of these schools are 15-25% over capacity, a trend which is projected to increase. As you know school construction projects in this area have been delayed at least until 2004. I honestly don't believe the schools can accommodate the current construction projects.

Other issues which I won't elaborate on are:

1. Change in the original Master Plan.
2. Management of traffic and road improvements.
3. Impact on the Patuxent watershed.
4. This is a housing division not senior housing.
5. Pedestrian safety.
6. Protection of health and sanitation of the current residents (well heads and septic fields).
7. The Damascus community is not served and has to bear additional burdens.
8. Additional parcels have been added.
9. Storm water management pond is not contained within the property.

In summary, this development as presented will negatively impact the Damascus school cluster ultimately degrading the quality of education for our children and those of the Damascus community.

Thank you again for your time. Should you need more information, I can be reached at Hm: (301) 482-0693; Wk: (301) 295-1984; or email: [mzyzak@usuhs.mil](mailto:mzyzak@usuhs.mil).



Respectfully,

Dr. Michael D. Zyzak

21 December 2001

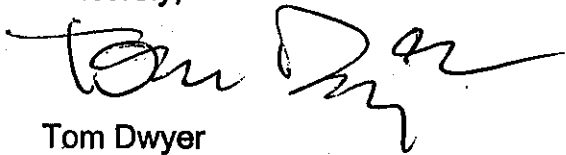
Dear Ms. Daniel,

I am writing to express my grave concern regarding the study to rezone the property at Howard Chapel Rd. near Rte.108 in Damascus for additional housing. (Ref: Rezoning Application No.G-792). Damascus schools are currently experiencing the largest overcrowding issues in all of Montgomery County. This dilemma has existed now for over 5 years, and the worst is yet to come. The superintendent of Mont. Co. Schools and the School Board are pushing the dates back further still to 2006 for a new High School and another Middle School to alleviate the overcrowding. A consideration to now rezone any properties in the Damascus Cluster for heavier concentrations of housing will exacerbate this unsafe condition that already exists.

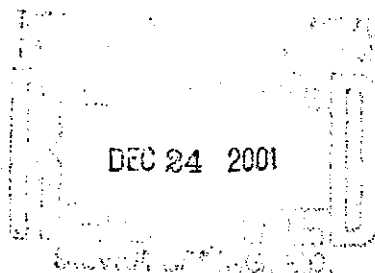
Please do not rezone the aforementioned property in dispute; Damascus needs a moratorium on building permits immediately until the County solves this problem. They currently have no plans to alleviate overcrowding, and are only moving backwards on the build outs currently under proposal.

Thank you for your considerations to this critical matter.

Sincerely,



Tom Dwyer  
23716 Eli Lane  
Gaithersburg, MD 20904



David J. Bernard  
26626 Howard Chapel Drive  
Damascus, MD 20872

December 23, 2001

Arthur Holmes, Chairman  
MNCPPC - Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

RECEIVED  
DEC 27 2001

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Dear Sir,

I firmly oppose the zoning application G-792, which seeks a zoning change for 26.61 acres of land, including but not limited to the "Miller Property", from one house per 2 acres (RE-2C) to a planned development at the much higher density of 5 houses per acre (PD-5). My reasons for opposition are numerous and, I believe, worthy of careful review.

**Master Plan Issues:**

The Damascus Master Plan of 1982 and all amendments identify the portion of the "Miller Property" adjacent to the Damascus Shopping Center commercial zone to be the intended site of any future Planned Development (PD) zone. Reasons for this intent are based on the transition from commercial areas to the existing low density single family housing and on the ability of the A-12 (Route 124 extension) roadway to serve as the access point to the property. As established in the Damascus Master Plan, the A-12 extension is one of the core developmental criteria for this piece of property. As proposed in zoning application G-792, the major portion of the Miller Property to be developed is NOT adjacent to the commercial area, is separated from the commercial area by an ecologically sensitive headwater of the Patuxent River, and is NOT served by the A-12 extension. These are in direct contrast to the core developmental criteria and the intent of the Damascus Master Plan.

Furthermore, the proposed development would include developing four additional properties along with the "Miller Property" parcel 434. Parcels 588, 589, 600, and 603, which are not proposed for the PD zone by the Damascus Master Plan, are under contract and included in the G-792 proposal. These additional parcels, as proposed in the land use plan for zoning application G-792, are to be developed with single family homes, parking lots, roads, and alleyways. These parcels directly abut the adjacent existing homes, and to the consternation of the homeowners, are not proposed as a green space or a buffer between the proposed PD zone and the surrounding properties.

One proposed condition of the PD zone enumerated in the Damascus Master Plan was pedestrian access to the commercial areas. The proposal indicates a number of paved pathways to the commercial areas. However, since the proposed development is not adjacent to the commercial areas, these pathways lead to and cross an adjoining private property, which would not belong to the development. The future of this adjoining private property is uncertain and the developmental

potential is significant, which could create a situation whereby the walkways are short lived or perhaps never built. In addition, the pathways lead through densely wooded areas, which might encourage loitering or misuse and discourage the intended foot traffic. Finally, no additional pedestrian crosswalks for the A-12 extension are noted in the plan, raising considerable safety issues for the intended pedestrians who might wish to cross to the existing commercial establishments or the new post office under construction.

#### **Traffic Issues:**

The Damascus Master Plan recommendation for the PD zoning of the Miller Property was largely based on the construction of the A-12 extension. The clear intent was for the A-12 extension to serve as the access point for future development of the Miller Property. The current proposal has the major portion of the traffic entering and exiting from Howard Chapel Drive, a small two lane road with many curves and limited sight distances. On either side of the proposed access roads for the development are hills or curves in the road significant enough to cause limited sight distances, creating a dangerous access/egress point for the development.

Howard Chapel Drive intersects Route 108 approximately 1/4 mile south of the proposed development. This intersection has limited sight distances to the west due to a sharp rise in Route 108 and a dangerous intersection to the east due to trees, a telephone pole, the change in elevation and a curve on Route 108.

Howard Chapel Drive was not intended to service the PD zone recommended in the Master Plan. It is a small and, at times, dangerous road. A large number of recreational bicyclists use the road for group outings and pedestrians walk along its narrow edges and around the blind curves that characterize the road. Additional traffic along this road would make it far more dangerous and prohibit any pedestrian or recreational usage. If the G-792 proposal is approved, road improvement to Howard Chapel Drive and Route 108 will be necessary: these improvements include adequate road shoulders on Howard Chapel Drive; turning lanes on Howard Chapel Drive AND Route 108; a traffic signal at the Howard Chapel=Route 108 intersection; re-grading the Route 108 roadbed west of the Howard Chapel intersection; re-grading Howard Chapel Drive south of the proposed development; moving the telephone pole and clearing the trees at the east side of the Howard Chapel Drive-Route 108 intersection.

The north end of Howard Chapel Drive connects to Gue Road, which is very narrow and winds its way up through the Patuxent stream valley to the west, and to the narrow Long Corner Road to the west. Neither of these roads is intended or able to service the amount of traffic that will be generated by development of a tract of land zoned for such a density as proposed in G-792.

#### **Environmental Issues:**

The proposed development is on the east side of an environmentally sensitive headwater to the Patuxent watershed. The high density housing proposed as well as the amount of roads, parking lots, and paved surfaces would create a significant amount of runoff which could be environmentally damaging to the adjacent streams and ultimately to the quality of the WSSC drinking water supply. The 1985 Damascus Master Plan clearly states on page 34 that "overbuilding at the headwaters creates problems through the entire valley". The density of the proposed development creates a large amount of impervious surfaces, which would impact the sensitive Patuxent headwaters.



The Damascus Master Plan also suggests that a 200 foot buffer should be used to protect the sensitive streams from runoff, erosion and sedimentation. The current land use plan as proposed is significantly short of the 200 foot buffer suggested in the Master Plan.

Another criteria delineated in the Damascus Master Plan was an on-site storm water facility. According to the December 11, 2001 proposed land use plan, the proposed storm water management pond is only partially on the Miller Property and extends onto the adjacent Seldeen property. This clearly does not meet the basic criteria established in the Master Plan.

The established homes adjoining the proposed development are not connected to public sewer but instead have septic systems. With the amount of land to be graded for the proposed development, many neighbors fear that their septic systems will be adversely affected. If the proposed development is approved, these neighbors should not have to suffer septic system distress as a result of drainage alterations. Some accommodation would have to be made to allow these adjacent homes to connect to the public sewer under a cost sharing agreement with the developer.

#### **Compatibility Issues:**

Damascus is a rural and quiet upcounty community with a small town flavor and a strong sense of community. The density of the proposed development is in opposition to this rural, small town flavor and would significantly detract from the quality of life for the residents of the existing homes around the proposed development. While everyone recognizes that development and change will happen, the size and density of this proposal is incompatible with the surrounding homes.

#### **Senior Housing Issues:**

While no one opposes senior housing per se, the type of independent senior housing being proposed does not serve the needs of the Damascus community. This proposal offers age restricted apartment living without plans or opportunities for meals, house cleaning, nursing, or medical care. Most seniors prefer to remain in their homes as long as they can until the time when they need assistance. Damascus has few assisted living facilities and is in need of a continuing care facility. This is the kind of facility the residents of Damascus envisioned and would support.

Additionally, it appears disingenuous and misleading for a company named "National Senior Housing Corporation" to propose a large development that is mostly NOT senior housing. The senior housing component is nothing more than age restricted apartments with few, if any, special accommodations for seniors. Finally, the number of apartment units to be restricted to seniors has changed from 80 units to 40 units and then back to 80 units. The developer has publicly stated that he may only fill 40 units with seniors and rent the remainder to non-seniors. Lingering questions concerning the number of units to be age restricted, the type of services offered, and the genuine intent of the developer are unanswered in the proposal.

#### **Infrastructure Issues:**

Due to burgeoning school enrollment, the lack or delay of capital improvement funding, staffing and classroom shortages, and the number of proposed developments already approved, I firmly believe that this zoning change to a higher density housing development will increase the strain on the already overcrowded Damascus schools. The Damascus High School, at 123% capacity, is the most overcrowded high school in the county. The school overcrowding is a result of increased development without appropriate increases in infrastructure funds. There are literally thousands of homes being built in Clarksburg and Damascus that are adding to the school problems. Damascus

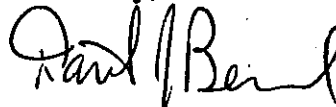
is proud of its good schools but even good schools can fail our children when they are as significantly strained as they are now. The addition of the number of swelling units proposed in G-792 will only exacerbate this problem.

When proposing large tract, high density developments such as that proposed in G-792, other infrastructure issues arise such as fire, rescue, and emergency medical care personnel.

The high density development proposed in the zoning application G-792, creates significant Master Plan, traffic, environmental, community compatibility, senior housing style, infrastructure and school issues which are incongruous with this specific location in Damascus. Only by drastically curtailing the number of residences proposed in zoning application G-792 could approval of such a development be made tolerable.

I hereby request that the Montgomery County Planning Board not recommend the rezoning as requested on application G-792.

Sincerely,

A handwritten signature in cursive script that reads "David J. Bernard". The signature is written in dark ink and is positioned above the printed name.

David J. Bernard

December 26, 2001

Arthur Holmes, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

RECEIVED  
DEC 27 2001

Re: Rezoning Application G-792

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

To Whom It May Concern:

We are writing to inform you that we are opposed to the rezoning of "The Miller Property" on Howard Chapel Drive. Following are our reasons for opposition.

- The Watkins' and Purdam properties that are directly behind the houses that sit on Pleasant Plains Road are not in the Masterplan to be zoned/recommended for PD-5, however in one example Mr. Koch is proposing 4 houses on a half-acre lot.
- What Mr. Koch is proposing does not conform to the surrounding community. Currently the houses in this neighborhood are sitting on at least a half-acre lot. We are not opposed to building on the proposed property but we would like it to be somewhat consistent with the neighborhood that exists now.
- We are concerned that this new 184-unit development will create traffic back-ups. As it is proposed, there is only one way in and one way out of the development, which is Howard Chapel Drive. There is one intersection (Howard Chapel Drive & 108) that everyone will need to use to get to the shopping malls, I-270, etc. and this intersection is not suitable for this amount of traffic. It sits on top of a steep hill with an obstructed view with no turning lanes.
- When we were first notified of this project it was said that this would be a "Senior Housing" project, which we welcomed with open arms. Then we find out that only one-40 unit apartment complex will be dedicated for seniors. Damascus does have the need for senior housing but it needs housing that provides assisted living not just independent living as proposed.
- Mr. Koch tries to portray that he is interested in providing for seniors, however he has consistently pressured our neighbors Mr. & Mrs. Purdam, who are in their seventies, to sell their house and surrounding property where they have lived for fifty years.
- We have seen an abundance of wildlife on this property including deer and foxes. There is a stream that flows into the Patuxent River and much of the property is wetlands and marshy. We are in fear that this project will damage the ecosystem due to the removal of trees and everyday actions of 184 units, including automobiles and sewage.

*Phillip and Jody Chapin*  
*9515 Pleasant Plains Road, Damascus, MD 20872*  
*301-806-1616*

Overall, this project does not serve our community. It will bring even more overcrowding to our Damascus schools. It provides no assistance for the seniors, including transportation to the shopping mall. This is a large development with exit roads and intersections that are not accommodating to handle the increased traffic.

As stated above, we are not against developing the proposed property. However, the amount of housing and pavement that is proposed is entirely too much. It does not fit the community at all and takes away the "farm like - spacious" atmosphere that the Damascus community is known for.

Sincerely,

*Phillip M. Chapin*  
*Jody R. Chapin*