



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 14
10/24/02

MEMORANDUM

DATE: October 18, 2002
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning Division
FROM: Judy Daniel, AICP, for the Department of Park and Planning

SAC
JD

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: 24.63 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: October 24, 2002
PUBLIC HEARING: November 1, 2002 at the Hearing Examiner

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

1. The application is consistent with the purpose clause and all applicable standards for the PD-5 Zone.
2. The application is in substantial compliance with the land use recommendations of the 1982 Damascus Master Plan.
3. The proposed development, as reflected in the development plan, will be compatible with the surrounding area.

PROPOSAL DESCRIPTION

The applicant, National Seniors' Housing Corporation, requests rezoning of a 24.63 acre property, a part of Parcel 434 located on Tax Map FX, from the RE-2C zone to the PD-5 Zone (Planned Development). This property (commonly known as the "Miller Property") was

recommended for the PD-5 Zone in the 1982 Damascus Master Plan. In this development plan, the applicant proposes 125 market rate units with a mix of single-family attached and multi-family housing.

A previous development plan at this location reviewed by the Planning Board in December of 2001, proposed 184 dwelling units, including a mix of single-family attached and detached, and multi-family units. That proposal incorporated density bonuses for MPDUs and housing for the elderly. The staff and the Planning Board recommended denial of that plan due to environmental concerns and master plan conflicts. The applicant subsequently requested a deferral of his public hearing in order to consider a revised development plan to address the Planning Board and staff concerns.

In March, the applicant submitted a revised development plan for 154 units of housing for the elderly. Although there has been a demonstrated need for additional housing for the elderly in the Damascus area for some time, soon after that version was submitted new census data indicated that the proposed amount of housing for the elderly exceeded the new estimated market in the Damascus area, and the applicant withdrew that proposal.

Since that time, the applicant submitted several alternate development plans addressing the range of master plan, environmental, and design concerns expressed by the Planning Board and the staff in the plan reviewed in December. In early October, the applicant submitted the development plan for 125 market rate units that will be able to achieve the imperviousness level necessary to meet environmental recommendations for compliance with the Patuxent Watershed Functional Master Plan guidelines. This was the biggest remaining stumbling block for this proposal.

A. Description of Property

The subject property comprises a part of the Miller Property parcel located between Woodfield Road Extended (north of MD 108) and Howard Chapel Drive. It is approximately three-fourths mile north of the intersection with MD 108 on the east (Howard Chapel Drive) side, and approximately one-fourth mile north of the Main Street (MD 108) intersection on the west (Woodfield Road) side. The entire property is currently vacant, with a topography primarily of streambeds, forest, or open fields.

The portion proposed for development is located along (and only accessed from) Howard Chapel Drive. It 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

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, and the section along MD 108 from its intersection with Howard Chapel Drive in either direction for approximately one-half mile.

Howard Chapel Drive at MD 108 is a residential area that becomes more rural to the north. There are no other roads along Howard Chapel Drive in the vicinity of the development plan to define the area. MD 108, from Howard Chapel Drive to the west, has a suburban residential character changing to a mix of institutional and commercial uses in the approximately one-half mile distance to central Damascus. MD 108 from Howard Chapel Drive to the east, is suburban residential in character.

Land Uses and Zoning: The existing land uses in the area are primarily suburban residential and rural residential or agricultural in nature. The portion of the subject property proposed for development is immediately north of a neighborhood of single-family homes generally on one acre or smaller lots. Beyond the subject property Howard Chapel becomes more low density residential then rural in character. Land uses along MD 108 are residential to the east and residential changing to institutional and commercial to the west.

Zoning in the vicinity of the subject property is RE-2C (2 acre density) along the west side of Howard Chapel Drive, and Rural Cluster (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.

The submitted development plan reflects no single family housing, but the single-family requirement may be waived by the Council. The plan also reflects flexibility in the number of multi-family units that may be proposed for a development with fewer than 150 multi-family units. Due to major imperviousness limits on this property, there is only a minor density bonus for MPDU units, in this case 16 additional units. The developer proposes that the type and location for the MPDU units be determined at time of site plan review.

The revised development plan received by the staff on October 4, 2002 depicts the following. A comparison with the December 2001 development plan is included:

	Permitted/Required	Proposed 12/01	Proposed 10/02
Total Area (acres)		26.28 acres+	24.63 acres
Zone	RE-2C/PD-5	PD-5	PD-5
Density	5 du/acre+	7.00 du/ac	5.08 du/ac
Green Area (%)	40% (10 ac)	70% (18 acres)	85% (21 acres)

	Permitted/Required	Proposed 12/01	Proposed 10/02
Building Setbacks	100 feet from property line	100 feet from property line	100 feet from property line
Building Height	Less than setback to property line	4 stories less than 100 feet	4 stories less than 100 feet
Residential Types (units)			
SFD	10% minimum*	50 (27%)	0 (0%)
SFA	40% minimum	54 (29%)	53 (42%)
MF	15% minimum**	<u>80 (43%)***</u>	<u>72 (58%)</u>
Total		184	125
Parking			
SFA: 53 x 2/du =	106	298	121
MF: 1BR 40 x 1.25/du = 50			
2BR 32 x 1.50/du = <u>48</u>			
Total	<u>98</u>	<u>80</u>	<u>98</u>
Total	204	378	219

+ Includes two properties outside the Miller Property

* The Council may waive the one-family or multi-family requirement (59-C-7.131)

** Optional if total development is 150 or fewer units

*** Maximum density may be increased for senior housing by 3 time normally permitted (59-C-7.14(d))

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 once certain conditions are met.
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: In the W-3 Water Service category

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.

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:

Howard Chapel Drive: Howard Chapel Drive will serve as the main ingress and egress for the proposed development. While it generally serves as a primary access road for this area east of Damascus, Howard Chapel Drive in the vicinity of the proposed rezoning is unclassified in the Damascus Master Plan. The northern section of Howard Chapel Drive, from approximately 3,000 feet north of MD 108, is classified as a residential primary (P-2) with a 70-foot right-of-way, for approximately 1,000 feet further to the north, reflecting the Master Plan intent for the Master Plan proposed P-2 to be constructed to the west to meet with Woodfield Road Extended (A-12).

Main Street (MD 108): The section of Main Street between Woodfield Road and Howard Chapel Drive is classified as an arterial road (A-26) in the Damascus Master Plan with a recommended 80-foot right-of-way with a two-lane cross section.

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 once certain conditions were met. Elements related to the PD-5 recommendation and their current status include:

1. Reference to P-2, a new road to provide access from Howard Chapel Drive to the west to meet Woodfield Road Extended. 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 easier access to central Damascus from Howard Chapel Drive, including dwellings in the proposed PD-5 Zone. 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 Patuxent River tributaries, with possible damage to these fragile stream areas. The route of P-2 and the subsequent classification of Howard Chapel Drive will be considered in the upcoming Damascus Master Plan process, but this route is no longer appropriate to consider as an alternate access to central Damascus.

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

Within the discussion of the Damascus Shopping Center Area, 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 along the length of the property;
- * Construction of a pumping station to pump 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.

Woodfield Road has been extended north, and the proposed development plan will fulfill the rest of these criteria.

The staff believes that while the discussion in the Master Plan of this site implies a PD-5 that is proposed to take advantage of its proximity to the Damascus Shopping Center, intervening circumstances have precluded the development of the portion of the Miller Property along Woodfield Road. The residual portion of the property, fronting on Howard Chapel Drive, is

developable, but since it is not as immediately accessible to the town center, the staff believes that it must reflect a lower density residential character than would be appropriate for a site fronting on Woodfield Road across from the Damascus Shopping Center.

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 purpose 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, 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 believes that with the modifications on the submitted development plan, the application complies with the purposes of the Planned Development Zone. This conclusion is reached because the staff believes that the proposal has sufficiently addressed the Master Plan, design, and environmental deficiencies that were present in previously submitted development plans.

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 53 (42%) single-family attached dwellings, and 72 (58%) multifamily units. These will require 16 MPDU units, with their location to be determined at time of site plan review. No single-family dwellings are proposed, and the limited number of MPDU and the lack of single-family detached homes reflect the imperviousness limits of this location.

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 provides 16 MPDU units, 12.7% of the total number of units provided, utilizing a 1.6% density bonus. These limited numbers reflect the development limitations imposed on this site by the imperviousness guidelines for properties in the Patuxent watershed. The overall density proposed, including the bonus density for MPDU housing, is 5.08 dwellings per acre, reduced from the approximately 7 dwellings per acre in the previously submitted plan and substantially less than the maximum density that could be allowed if the full potential of senior housing and MPDU bonuses were able to be used. This limited density is appropriate for this location with access solely from Howard Chapel Drive.

3. **Compatibility** - The proposal must 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 or in the vicinity of the area in the development.

The current development plan is compatible with adjacent development, and meets distance and height requirements of 59-C-7.15. Although the density of development was reduced primarily to address environmental issues, the resulting development plan is appropriate in size and scale for a location within one mile of central Damascus, and it is compatible with the existing residential development in the area. The development provides setbacks substantially more than the required 100 feet from most homes on adjacent properties. The design, with conditions for modifications at time of site plan review discussed later in this report, is acceptable.

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.

Due to the stringent imperviousness limits required on this site, 85% green area, or approximately 21 acres, is provided.

6. Parking Requirements - The standards of 59-E-3.7 require 2 parking spaces for every single-family dwelling whether detached or attached. 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 219 parking spaces, 15 more than required.

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 100-foot setback for all structures, 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. The multi-family structures will be no more than 100 feet in height.

D. Development Plan

The staff believes that 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. The Planning Board and the County Council must consider whether the application and accompanying development plan fulfill the purpose and requirements of the applicable zone. As noted below the staff now believes the submitted plan is in compliance with these findings:

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.

The development plan is in substantial compliance with the Damascus Master Plan, the General Plan, and the Functional Master Plan for the Patuxent Watershed.

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 proposed development plan meets the purposes of the zone. The conceptual site design is acceptable, providing a residential concept compatible with existing adjacent and nearby development in terms of density and design.

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

The internal circulation is safe and efficient. Two access points would be preferable from a design perspective, but are not proposed due to sight distance considerations. Internal sidewalks will be provided along the main access road to reach the multi-family buildings. A natural surface trail through the stream valley buffer will be provided to connect the development with central Damascus.

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 meets the setback, imperviousness, and buffering standards required for the protection of tributaries to the Patuxent River and surpasses green area requirements. Its clustered design, allowing 85% open space, will limit erosion and will preserve natural vegetation and protect the stream valleys.

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.

Required documents have been submitted.

Development Plan Evaluation

The character of the submitted development plan is that of a suburban "village" in scale and design. The primary roadway within the proposed development is lined with single-family attached units that give the visual appearance of attractive single-family residences. The staff believes that this design and its density are appropriate at this location less than a mile from central Damascus. Interior sidewalks and recreational amenities for residents of the development are proposed. Pedestrian access to Woodfield Road Extended will be provided via a natural surface trail. The staff believes that the frame of this development plan is acceptable, but some modifications and refinements are recommended that are appropriately addressed at time of site plan and subdivision review.

For example, the only specific open space amenities noted on this development plan are a children's play area and a "Gazebo" near the multifamily units. While the developer has agreed to construct a natural surface trail linking this development to Woodfield Road and central Damascus, the route and design of the trail will need to be addressed at the time of site plan review. The staff would prefer to see a formal commons or green located in a more prominent location along the street to create a unique identity and sense of place. Similarly, the single-family attached units fronting Howard Chapel Drive must be carefully placed so that they present a "face" for this development. Their scale is appropriate but their placement and any accompanying landscaping along Howard Chapel Drive are vital to create a "sense of place" for this community. The staff believes these are issues that can appropriately be addressed at the time of site plan review.

As noted above, while the overall pattern of the development plan layout is acceptable, the staff recommends that the following adjustments be considered at time of subdivision and site plan review to provide a better design for this community:

1. Compressing the core area of development to reduce imperviousness and create a more compact design. This can allow additional sidewalks and patio space for the residents without increasing imperviousness;
2. Buildings should be clustered as close together (around 15 feet), and should share driveways where possible;
3. Driveways can be shortened to minimize the front yard dimension, perhaps by eliminating tandem parking spaces (a sidewalk clearance should be maintained for any tandem parking spaces); and
4. If tandem spaces are eliminated, additional resident parking can be accommodated by on-street (parallel) parking spaces. This may also reduce imperviousness. An on-street parking space requires 147 square feet (7' x 21') versus 153 square feet (8.5' x 18') for the driveway head-in spots. This is particularly important on a site like this where every square foot counts toward the imperviousness limit.

The staff recommends the following site design and landscaping elements should be included at time of site plan review, including adjustments to the final number of unit types, location of buildings and configuration of formal open spaces:

1. Adjust the alignment of the units fronting Howard Chapel Drive to create a sense of community in the streetscape;
2. Landscaping along Village Lane, the primary entrance road, including creating a terminating focal point at the traffic circle, perhaps with the proposed gazebo or a building beyond;

3. Landscaping along Howard Chapel Drive and an "entry" landscaping plan to create a "sense of place" at the entrance to the community - including a fence along the lot line of the home adjacent to the entrance;
4. Interspersed trees in the open space behind the single-family attached dwellings to give privacy and lines of sight - and to limit the necessity of mowing;
5. Detailed plans for the children's play area; and
6. A route for a natural surface trail to Woodfield Road and central Damascus.

E. Transportation

With the recommendations for modifications noted, the proposed development will meet applicable transportation standards.

Site Location and Access - The subject site is located on the north side of Main Street (MD 108) between Howard Chapel Drive and Woodfield Road Extended (MD 124). All development and all vehicular access to the site is from Howard Chapel Drive. Pedestrian access would be along lead-in sidewalks from Howard Chapel Drive, and via a trail through the stream valley to connect to Woodfield Road Extended.

Master Plan of Roadways - Howard Chapel Drive functions as a collector street on the east side of the stream valley that runs along the eastern property line of the subject site. Howard Chapel Drive connects Damascus Road (MD 108) to Howard County (via Gue Road and Long Corner Road) while serving the subject site and the approximately 40 residences along Howard Chapel Drive. According to the *Damascus Master Plan*, different portions of Howard Chapel Drive are classified as follows:

1. The southern portion of Howard Chapel Drive from MD 108 to approximately 3,000 feet north is considered as a secondary residential street with a 60-foot right-of-way. A secondary residential street may serve up to 200 residents according to the County's "Street and Road" Code, Section 49-34,e(e).
2. The northern portion of Howard Chapel Drive from approximately 3,000 feet north of MD 108 to the Howard County line is classified as a residential primary, P-2, with a 70-foot right-of-way.

Site-Generated Traffic - Table No. 1 below shows the increase in the peak-hour trips generated by the site resulting from the change from a RE-2C zone to the PD-5 zone development plan. The projected number of peak-hour trips generated by the existing zoning, an estimated base level in the PD-5 Zone (without density bonuses), the December 2001 proposal, and the subject development plan as proposed by the developer are compared. The Table indicates the limited impact of the current development plan.

Table 1: Comparison Traffic Generated Existing and Proposed Zoning

Zoning Classification	Number of Permitted Units	Proposed Development Plan Number of Units	Peak-Hour Trips	
			Morning	Evening
RE-2C Existing	13 Single-Family Detached Total Units		12	14
PD-5 Base Standards (without density bonuses)	130 Total Units		89	117
	58 Single-Family Detached Units		55	64
	52 Townhouses		25	43
	20 Garden Apartments		9	10
PD-5 Proposed December 2001		184 Total Units	96	128
		50 SFD Units	48	56
		55 Townhouses	26	45
		80 Senior Garden Apartments	9	27
PD-5 Proposed 10/02		125 Total Units	57	79
		53 Market-Rate SF Attached	25	44
		72 Market-Rate Garden Apartments	32	35

Local Area Transportation Review - A traffic study was originally submitted in December 2001 to satisfy LATR reflecting the residential unit mix proposed at that time. The traffic study was required because the proposed development generated 50 or more peak-hour trips during the weekday morning peak period (7:00 a.m. to 9:00 a.m.), and evening peak period (4:00 p.m. to 6:00 p.m.). The traffic study was updated for the subsequently submitted development plans, with in the final revision to the traffic study dated October 7, 2002. This revision includes the anticipated traffic that would be generated by the proposed Damascus Sports Association (DSA) special exception (discussed at the October 17 Planning Board meeting) as part of the background conditions.

Congestion Analysis at the Nearby Intersections - Traffic counts were collected in September 2001 and October 2001. As shown in Table 2 below, the results of the congestion analysis at the nearby intersections indicate that the calculated critical lane volume (CLV) values for the weekday morning and evening peak hours are below the CLV congestion standard of 1,500 for the Damascus Policy Area. *The staff evaluation indicates that CLV values will continue to be below the 1,500 standard with the increased traffic generated by the subject rezoning of the Miller Property.*

Table 2: Intersection Critical Lane Volume Values

Intersection	Traffic Condition					
	Existing		Background		Total	
	Morning	Evening	Morning	Evening	Morning	Evening
Main Street (MD108/MD 27) and Ridge Road (MD 27)/ Parking Lot Driveway	911	1,008	965	1,040	986	1,033
Main Street (MD 108) and Woodfield Road (MD 124)	531	916	600	1,111	614	1,139
Main Street (MD108) and Mount Vernon Avenue	269	436	312	562	328	580
Main Street (MD108) and Howard Chapel Drive	382	486	425	740	476	815
Howard Chapel Drive and Site Access (Future)	-----	-----	-----	-----	112	264

Staging Ceiling Condition/Policy Area Review - As of August 1, 2002, the Damascus Policy Area has a remaining capacity of 323 housing units in the transportation-staging ceiling under the *FY 2002 Annual Growth Policy*.

Recommendations – Several elements of this development plan will require further refinement at time of site plan and subdivision review. They include:

1. The desire line for the primary residential roadway, P-2, as shown in the current Damascus Master Plan crosses the environmentally sensitive stream valley on the subject site. Rather than follow the master-planned alignment, the secondary residential portion of Howard Chapel Drive should be reclassified to a primary residential roadway using the appropriate master plan process.

Although still classified as a secondary residential roadway, the staff and SHA support the reclassification and recommend that Howard Chapel Drive be upgraded to primary residential standards across the site frontage on an interim basis. Upgrade Howard Chapel Drive fronting the subject property to primary residential roadway standards including dedication of right-of-way needed to provide 35 feet from the existing roadway centerline.

The segment between the subject site and MD 108 would remain as is until the adjoining properties along Howard Chapel Drive are redeveloped or the County funds a roadway project to acquire the rights-of-way and upgrade the road.

2. Limit the development to no more than 72 garden apartments, and 53 single-family attached dwellings as shown on the latest development plan dated October 4, 2002.

3. Provide the necessary improvements to turn safely into and from Howard Chapel Drive at the MD 108 intersection. Although the "side street" volumes on Howard Chapel Drive may not warrant installation of a traffic signal, a traffic signal warrant study should be prepared based on "side street" delay and safety due to inadequate sight distance as coordinated with the Maryland State Highway Administration (SHA).

If the Damascus Sports Association complex is ultimately approved, the Miller Property developer must participate in the cost for construction of the left turn lane on MD 108 at Howard Chapel Drive, as discussed and recommended in the DSA special exception report.

F. Environment

As currently proposed, this development will now be able to meet Environmental standards, including the Primary Management Area Guidelines for the tributaries of the Upper Patuxent River watershed. Several issues remain, but they will be most appropriately addressed at time of site plan and subdivision review. The issues relate to forest conservation, stream protection, imperviousness, stormwater management, and sewage treatment.

Forest Conservation - A 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 Environmental Planning staff prior to record plat and prior to approval of the release of building permit or sediment and erosion control permit, as appropriate.

The entire Miller Property totals approximately 32 acres of which roughly 14 acres are forested. The applicant is proposing to rezone only 24.63 acres of property with approximately 9.7 forested acres. Approximately 7 acres of existing forest will be retained to meet the requirements of the forest conservation law. Also, the natural surface trail proposed through the forest conservation easement and stream valley buffer to connect the development project with the central Damascus area will reduce the acreage of forest retention and may require the applicant to provide reforestation.

Stream Protection - The site contains a spring, wetlands, and perennial streams that are the headwaters of a Patuxent 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 this site should be protected to the highest degree and this proposal has been very carefully evaluated.

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 and Rural Open Space
- Protecting Forest Cover

The CSPA references a study conducted in the Maryland Piedmont headwater streams that found that macro-invertebrate diversity dropped greatly when watershed imperviousness exceeded 10-15%.¹ 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.

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 that would be acceptable to allow some additional imperviousness beyond 10% up to a maximum impervious level of 15.4% percent. This imperviousness level is derived from the *Countywide Stream Protection Strategy (CSPA)*.

To address these concerns, the applicant established a PMA boundary 660-feet from the stream's edge, as required, and revised the development plan to reflect a substantially lower imperviousness, approximately 15.4% (compared to the approximately 29% imperviousness in the December 2001 development plan). The reason this Development Plan is able to meet the recommended 15.4% imperviousness limit is because the entire western portion of the property – not just the stream valley buffers - is now designated as open space

¹ Countywide Stream Protection Strategy. February 1998, page 25.

The estimate of imperviousness is acceptable for a rezoning review, but the final determination of imperviousness will need to be established at time of site plan and subdivision review.

The stream banks running through the property are badly eroded along portions of the tributaries that run 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. This can be addressed at time of subdivision review.

Stormwater Management – Although a stormwater management (SWM) concept plan has not been submitted to the Department of Permitting Services (DPS), the proposed rezoning submitted schematic drawings that indicate two stormwater management facilities on the site. This corrects a problem with the previous plan that indicated a facility partially off-site. DPS typically requires that all stormwater management facilities be contained entirely on-site and this on-site requirement is specifically cited in the master plan for review of a PD-5 Zone at this site. Approval of any development on the site will require the applicant to comply with DPS requirements for sediment and erosion control and stormwater management.

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 will require a wastewater pumping station and force main to be installed by the developer. Wastewater pumping stations typically require a designated lot sized appropriately for the structure relative to the development's demand. The schematic plan indicates that this facility may be located in 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. In addition, the land area necessary for the pumping station will need to be included within the imperviousness calculations.

Also, the force main typically requires a right-of-way (ROW) of approximately 35 feet in width. Encroachment into the SVB is anticipated and mitigation measures can be expected. If the rezoning is approved and the sewer category change is approved, the staff of Environmental Planning recommends that they be authorized to assist the applicant in locating such ROW to ensure the best protection of environmentally sensitive areas. Both these issues can be addressed at time of site plan and subdivision review.

G. County Housing Policy Evaluation:

This application is consistent with the Montgomery County Housing Policy. The proposed project offers a mix of housing types including multi-family and single-family attached types and also includes 16 MPDU units. The project conforms to relevant objectives of the Housing Policy, including variety and choice in housing, variety in price range for housing, and communities with affordable housing.

Damascus offers its residents reasonably priced housing in a small town environment, surrounded by Montgomery County's rural wedge. The housing is primarily single-family, there is little multi-family housing. Market rate housing tends to be more affordable than in most areas of the County. Townhouses are more plentiful than in most small towns, but contribute to the affordability of the area. Overall, the mix of housing types and prices is appropriate for this small town setting, making Damascus an excellent housing resource for the County and a pleasant place to live for its residents. Recently, County-wide and regional development pressures and a strong County housing market have become evident in higher prices in the area, especially for new single-family detached housing, whether this trend is desired or not.

Development forecasts and the pipeline of approved development indicate modest growth in keeping with the current character of the area. The most likely source of change to the character of the area is the growth of large homes on large lots on the periphery of the area. These houses reap higher prices than have been typical of the area and, along with the widespread price pressure in the County, have been leading to more generalized increases in housing costs.

Affordability - Recent housing sales records indicate that Damascus housing is generally more affordable than housing County-wide. The median sales price of all single-family homes in Damascus was \$199,950 in 2001, compared to \$236,000 County-wide. New single-family detached houses are the most expensive category in Damascus and the only one to exceed County-wide prices. In 2001, these units sold for a median price of \$475,848, almost \$40,000 more than the County median of \$436,928. The median for existing single-family detached units in Damascus is somewhat lower than the County median, \$220,000, compared to \$289,900. There have been too few sales of new townhouses to calculate reliable price information.

Housing Sales - Sales of new single-family detached units have increased in the last two years, but generally, resale housing accounts for most Damascus housing sales. Limited sales are consistent with the small number of new units built in the area from 1990 through 2000.

Pipeline - The March 31 2002 pipeline shows 422 housing units approved and not yet built in Damascus. The housing types and numbers for current pipeline projects are consistent with the existing development pattern in Damascus and would not introduce any significant changes in land use. The pipeline would slightly increase the current emphasis on single-family detached housing.

Multi-Family Housing - About 40 percent of the multi-family housing in Damascus is structured as condominiums and 60 percent as rental units. The only apartment condominium in Damascus is Ridgeview, with 108 units.

Subsidized Housing and MPDUs - Damascus has very few privately owned MPDUs still within the price control period. As of 1999, there were only 14. Four more MPDUs were built in 2000. Since the MPDU program was adopted in 1974, 242 MPDUs have been located in Damascus, but almost all of these were built before 1990.

Conclusion - *The 125 units of multi-family and single-family attached for sale units proposed in this application will contribute to the stock of new, moderately priced housing available in Damascus.* This housing will be affordable for families of moderate incomes and will contribute in a positive manner to the housing mix in the area. The developer has indicated that he anticipates the proposed dwelling to sell at prices in the \$200,000 to \$300,000 range. This would increase the stock of new housing in a segment that has seen little increase in recent years, and will balance the recent preponderance of higher priced suburban homes. The development will also contribute to the depleted MPDU stock in the area.

H. Neighborhood Issues

When a revised development plan was submitted this summer (with 154 units), the staff met again with the group of area residents, primarily from the area along Howard Chapel Drive and nearby local streets who will be the most impacted by this proposal. They were not as opposed to the revised plan, as they were to the 184 unit plan, but were still concerned about the impact on traffic congestion, improvements that may be needed to Howard Chapel Drive, additional crowding at area schools, and the design of the plan. The staff informed neighborhood representatives about this new development plan with 125 dwelling units, and provided a copy for their review. The staff anticipates that these neighbors will continue to be concerned about new development, traffic, and school issues.

I. Conclusion

The staff believes that with this most recently submitted development plan, the zoning map amendment and development plan are consistent with the purpose clause and all applicable standards for the PD-5 Zone. Also, within the limits imposed by intervening actions and master plans, they are consistent with the land use recommendations of the 1982 Damascus Master Plan, and are compatible with the surrounding area. Although this development plan no longer contemplates housing for the elderly, the staff believes that such housing would be better located in more immediate (and walking) proximity to central Damascus. The housing report in the December 2001 report of this project similarly indicated this concern.

The two intervening circumstances that rendered development on the west side of the Miller Property difficult, at best, have led to a proposed development plan that is certainly more limited than was probably envisioned in 1982, but it is a proposal that the staff believes is appropriate in 2002. Given the intervening factors of the Woodfield Road Extended stormwater pond and the Patuxent Watershed Master Plan, the staff believes that development on the eastern side of the property is appropriate, and still meets the intent of the Master Plan for a residential development in proximity to central Damascus, and meets the intent of the PD-5 Zone if:

1. That development is well-designed with density appropriate for the character of the surrounding community and its proximity to central Damascus, and
2. It meets the requisite environmental and transportation requirements, and
3. The type of housing proposed addresses an underserved market in Damascus or in the County.

With the additional criteria recommended for consideration at site plan and subdivision (related to the design, environmental, and transportation concerns) the staff believe that the development plan meets the first two conditions above. Further, as noted in the housing section above, the proposed development would be a positive contribution to the supply of affordable new housing in the County, and the very limited supply of MPDU units in Damascus.

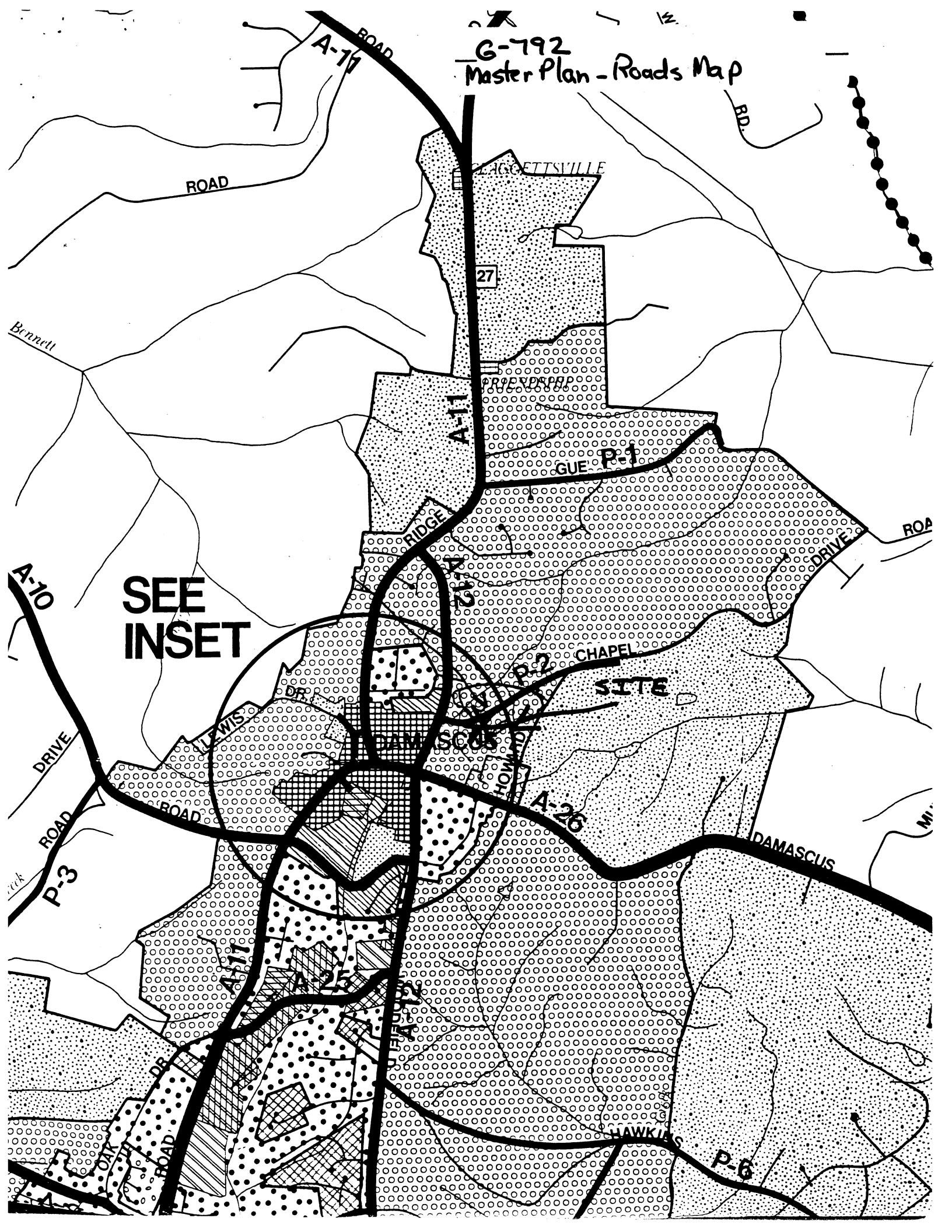
Although, due to the noted intervening circumstances, this development plan cannot meet the full original intent of the Damascus Master Plan for a PD-5 Zone on this property, the staff believes that as now configured, it will have a positive contribution to the balance of housing stock in this community. The density limits imposed by the imperviousness requirements of the Patuxent Master Plan goals, worked to encourage the developer to reduce the site density to a level that is more compatible with the adjoining neighborhood, yet dense enough to be appropriate at this location so close to central Damascus.

Accordingly, the staff recommends **approval** of the PD-5 Zone and **approval** of the development plan, with certain elements related to design, transportation, and environmental criteria to be completed at time of site plan review, for the following reasons:

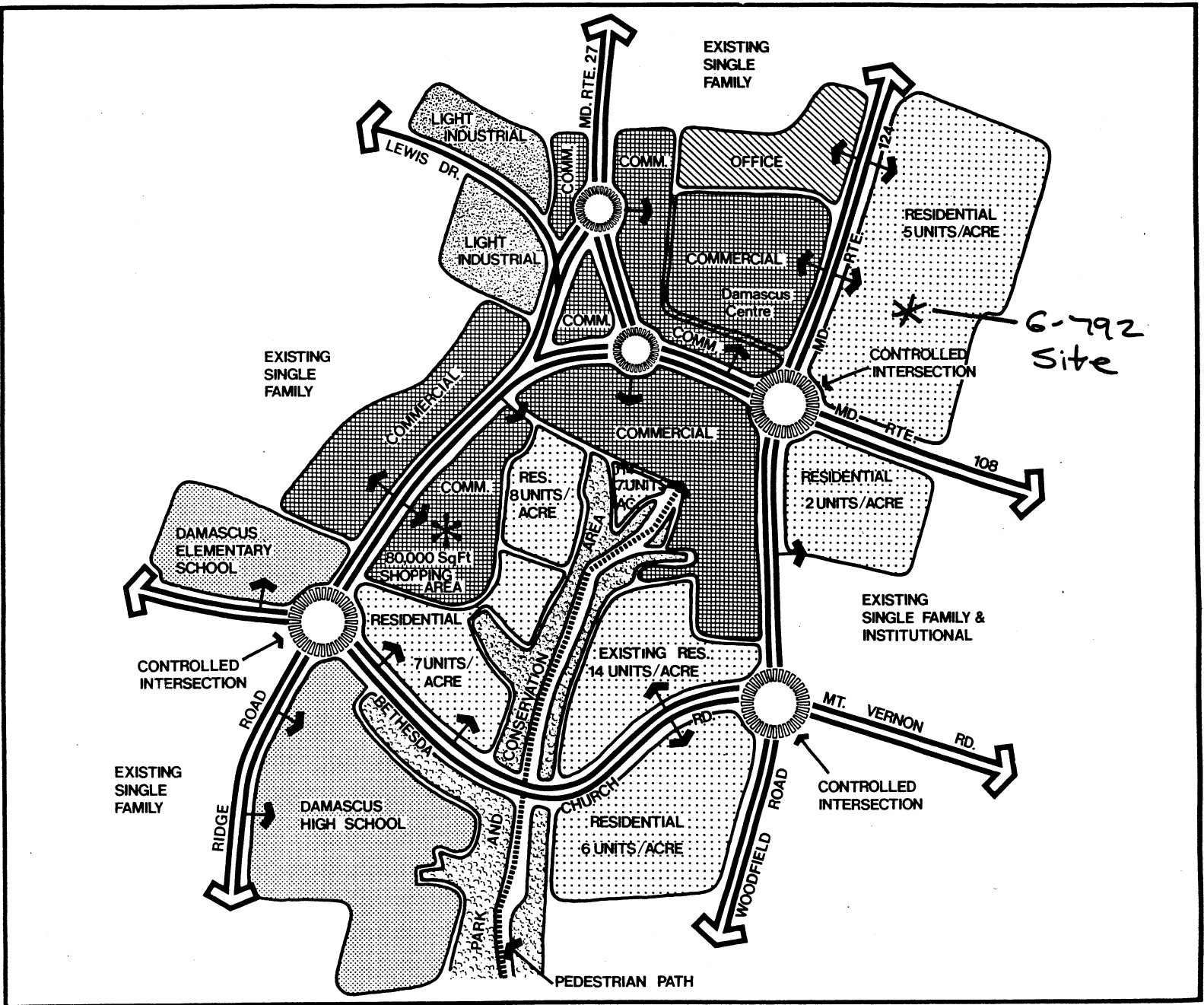
1. The application is consistent with the purpose clause and all applicable standards for the PD-5 Zone.
2. The application is in substantial compliance with the land use recommendations of the 1982 Damascus Master Plan.
3. The proposed development, as reflected in the development plan will be compatible with the surrounding area.

Attachments

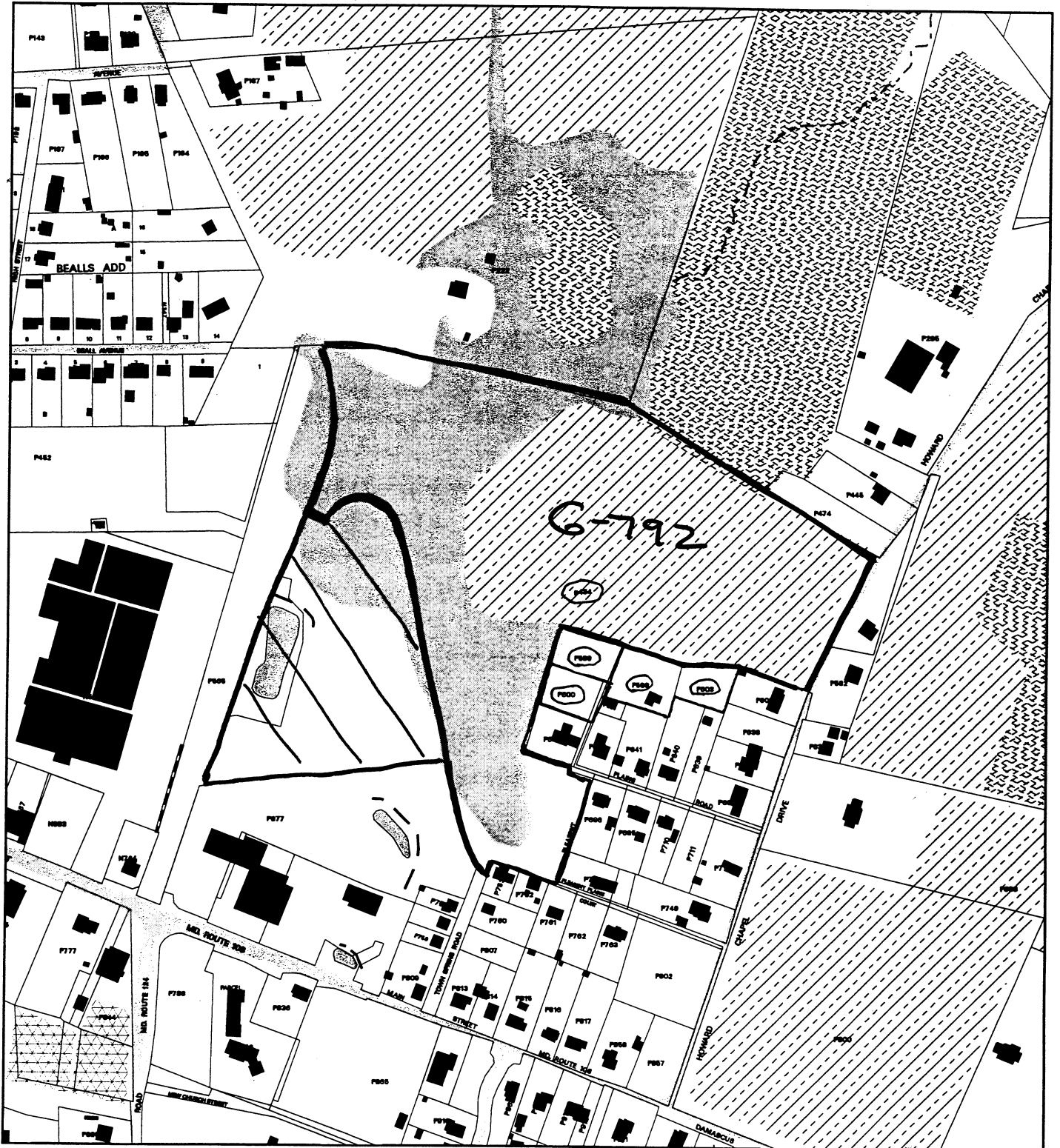
G-792 Master Plan - Roads Map



BUSINESS
AREA
LAND USE PLAN



VICINITY MAP FOR
G-792



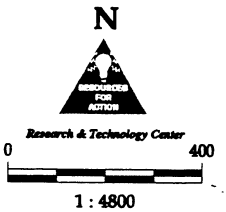
Map compiled on December 20, 2001 at 10:25 AM | Site located on base sheet no - 237NW09

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





AREA TABULATION

- Area previously dedicated to ...
- ...
- ...

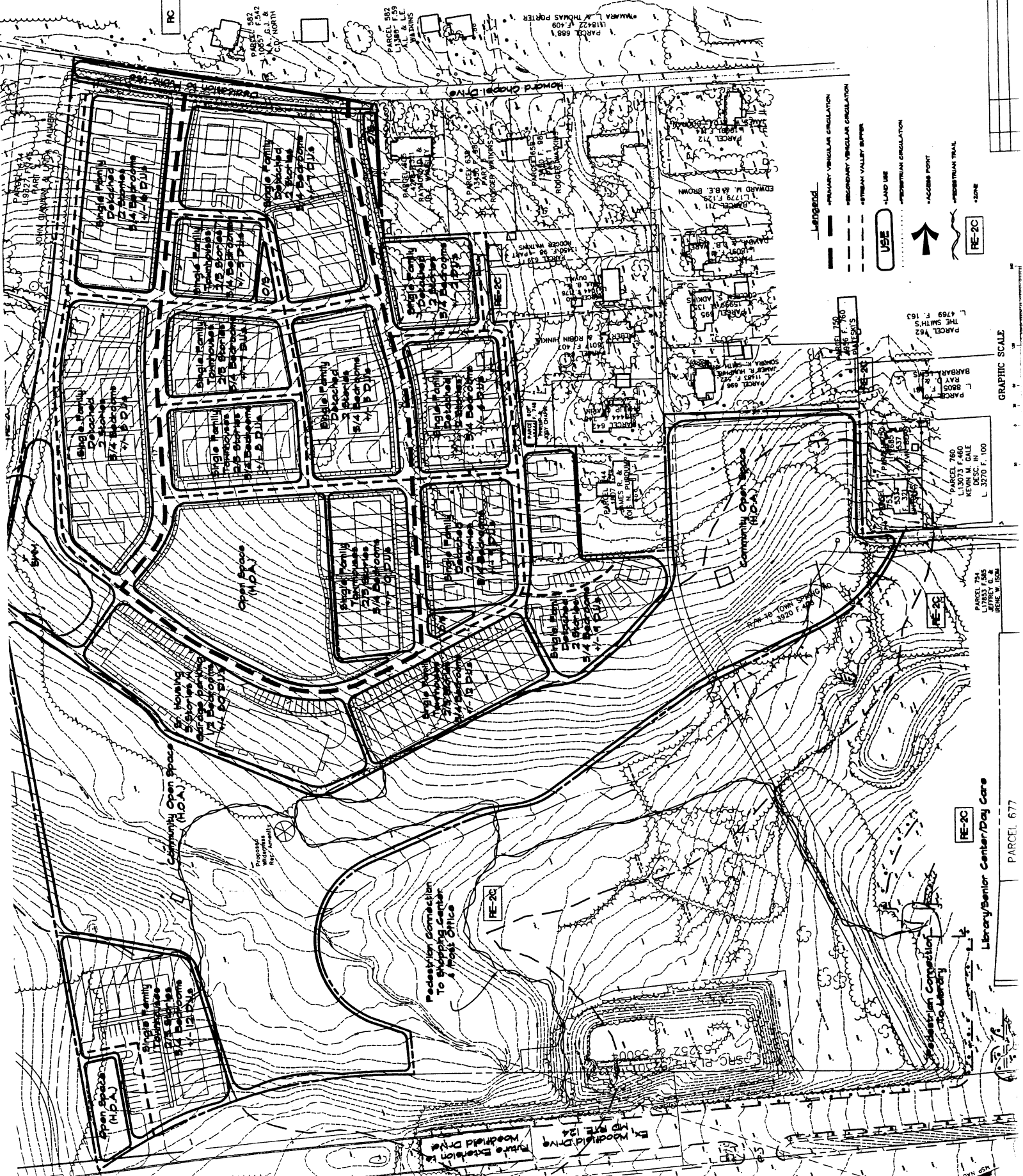
DEVELOPMENT STANDARDS (PD-)

Minimum Area (84-00, 122(6))
Percentage of building unit type (84-00)
- One family attached and townhome
- ...
- ...

G-792 Development Plan 12/01

TYPE	ACRES
SINGLE FAMILY DETACHED	
SINGLE FAMILY, TOWNHOME	
TOTAL	30.00
TOTALS	30.00

TAX MAP #7, 241, 843
DEC 11 2001
MILL
12TH ELECTION DISTR
Macris, Hendri



Legend

- PRIMARY VEGICULAR CIRCULATION
- SECONDARY VEGICULAR CIRCULATION
- STREAM VALLEY BUFFER
- LAND USE
- PERMEABLE CIRCULATION
- ACCESS POINT
- PERMEABLE TRAIL
- STONE

USE

RE-2C

GRAPHIC SCALE

PARCEL 677

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 CSPA 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 CSPA 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 CSPA 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.²

² 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 citing 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.

Oct. 17, 2002

Montgomery County Planning Board
C/o Judy Daniel
M-NCPPC Community Based Planning
8787 Georgia Ave.
Silver Spring, MD 20910

To The Montgomery County Planning Board:

I am writing to state my objections to the Miller Property development (G-792), as currently proposed. Apartments, duplexes and townhouses are not congruent with the existing neighborhood. This development is being put in an area that is surrounded on 3 sides by single-family homes and on the fourth side by a tributary of the Patuxent watershed.

As this development is not consistent with the Damascus Master Plan designation of RE-2 and is out of character with the surrounding homes, it should not be approved as currently proposed. In keeping with the surrounding community, the site should only be approved for **single-family homes, 2 to 3 per acre, and the size of the houses should be similar to the average size of the surrounding homes.**

Additionally, as currently proposed the storm water management ponds are being placed between the proposed development and a neighboring home. It would be a disservice to that home to locate the ponds in that location. A more suitable location for the storm water management ponds would be at the back of the property near the stream they are to serve.

Please require these changes before this development is approved.

Sincerely,

Cindy Snow
27210 Ridge Rd.
Damascus, MD 20872

From: James D. Piateski [piaski@erols.com]
Sent: Wednesday, October 16, 2002 6:48 PM
To: Daniel, Judy
Subject: G-792

Dear Judy,

I am writing to express my concerns over the proposed development on Howard Chapel Rd. in Damascus known as G-792.

The developer, under the guise of the National Seniors Housing Corporation, has proven to be disingenuous from the beginning as to his motivations. The plan currently before us has no provisions for seniors and has come closer to providing for a transient population in a neighborhood of homeowners.

While some criteria have been met to comply with environmental concerns, we have yet to hear about any of the proposed infrastructure changes that will become necessary for this community to function. What will happen to the roads and schools. The schools are at capacity now and the pace at which new homes are being built do nothing but cause further congestion. I realize that the formulas used conclude that all is within acceptable limits, but it seems as if the almighty dollar is driving this train with little regard for the wishes of the current residents. How much property will the neighbors on Howard Chapel have to relinquish to widen the road to handle the additional traffic?

There are many unanswered questions. I feel these should be addressed before this project is given the green light.

Sincerely,
Jim Piateski
9505 Pleasant Plains Ct.
Damascus, MD.20872

10/17/2002