



**MEMORANDUM**

**DATE:** January 14, 2005

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Development Review Division

**FROM:** Catherine Conlon, Acting Supervisor (301-495-4542) *CC*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision  
**APPLYING FOR:** Preliminary Plan Approval for 48 dwelling units

**PROJECT NAME:** Baum Property  
**CASE NO.** 1-04098  
**REVIEW BASIS:** Pursuant to Chapter 50, the Subdivision Regulations  
and Chapter 59, the Zoning Ordinance

**ZONE:** RT-8  
**LOCATION:** In the southwest quadrant of the intersection of Valley Park Drive and  
Coltrane Drive  
**MASTER PLAN:** Damascus

**APPLICANT:** Elm Street Development  
**ENGINEER:** Apex Engineering

**HEARING DATE:** January 20, 2005

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**Staff Recommendation:** Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 48 dwelling units.
- 2) No clearing, grading, or recording of plats prior to site plan approval.

- 3) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 4) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 5) Compliance with the conditions of the MCDPS stormwater management approval dated September 29, 2004.
- 6) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Damascus Master Plan unless otherwise designated on the preliminary plan.
- 7) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Damascus Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
- 8) Applicant shall construct an eight-foot off-site bike path along the north side of Valley Park Drive from the southern property line to Ridge Road (MD 27), as part of an agreement with Montgomery County Department of Public Works and Transportation to construct the eight-foot bike path through the limits of the Baum Property frontage as part of C.I.P. #509944.
- 9) Record plat to reflect dedication to M-NCPPC of the portions of the subject property located southeast of the Valley Park Drive right-of-way, to be added to Magruder Branch Stream Valley Park. Property to be conveyed at the time of record plat and to be free of trash and unnatural debris.
- 10) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 11) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 12) Compliance with conditions of MCDPWT letter dated January 14, 2005 unless otherwise amended.
- 13) Access and improvements, as required, to be approved by MCDPWT prior to recordation of plat(s).
- 14) Other necessary easements.

**SITE DESCRIPTION and SURROUNDING AREA:**

The subject property is a 6.32-acre undeveloped property located within the Damascus Master Plan boundaries. The property is located in the southwest quadrant of the intersection of Valley Park Drive and Coltrane Drive (see Attachment A). The property is zoned RT-8.

There are no streams or wetlands on the property, but the stream buffer for the Magruder Branch stream extends onto the property from the existing stream valley park. Magruder Branch

drains to Great Seneca Creek, a Use I-P watershed. The majority of the property (4.63 acres) is currently wooded with the remainder in mowed lawn.

## **RELATIONSHIP TO THE DAMASCUS MASTER PLAN**

The proposed preliminary plan is consistent with the recommendations of the 1982 Damascus Master Plan which designates this property for residential development. The 1982 Master Plan is being amended and this area is referred to in the Public Hearing Draft as the Town Neighborhood area. The land use recommendations for the Town Neighborhood area does not recommend any changes to the land use of this property.

## **PROJECT DESCRIPTION**

This application proposes to create a residential community with 48 dwelling units, including 6 Moderately Priced Dwelling Units (MPDU's) (see Attachment B). The units will be a combination of townhouses and two-over-two townhouses. Safe and adequate access for vehicles and pedestrians will be provided by the existing and proposed vehicular and sidewalk system. Site plan review pursuant to §59-D-3 is required for this project.

## **TRANSPORTATION:**

Staff concludes that the subject preliminary plan will provide safe and adequate access for vehicles and pedestrians. The applicant has submitted a traffic statement and staff concurs that the proposed development will generate 24 trips in the morning and 42 trips in the afternoon weekday peak hour. Since the preliminary plan was submitted prior to July 1, 2004, the old rule for an Adequate Public Facilities (APF) test is applied and therefore, since projected peak hour trips are fewer than fifty, a Local Area Transportation Review (LATR) is not required.

## **ENVIRONMENTAL:**

### Forest Conservation

There are 4.63 acres of existing forest on the property. Approximately 2.2 acres of the forest are included in the County C.I.P. project for the construction of Valley Park Drive. Reforestation requirements for the county project are being met as part of a Forest Conservation Plan approved during the Mandatory Referral review of the project. The applicant is proposing to remove all 2.24 acres of the remaining onsite forest and will meet their 1.98 acre reforestation requirement through a combination of onsite landscape credit and offsite planting.

### Environmental Guidelines

There are no streams, wetlands, or floodplains on the subject property though the stream buffer for adjacent Magruder Branch extends onto the property. This buffer will be impacted by the C.I.P. project to construct Valley Park Drive. This unavoidable disturbance was approved as part of the Planning Board's review of the mandatory referral for the road project.

**CITIZEN CONCERNS:**

One letter was received regarding the proposed preliminary plan (Attachment C), from the Damascus Manor Homeowners Association, whose property abuts the subject property to the north. The letter raised concerns regarding site density and the proposed street connection of Coltrane Drive.

With regard to density, the letter questions how this proposal meets the objectives of the draft master plan given that the housing density is higher than that usually approved now in the Damascus area. As discussed above, the Public Hearing Draft of the master plan does not contain new land use recommendations for this property. The proposed development is consistent with the site's RT-8 zoning.

The letter also questions whether the preliminary plan correctly showed the grading for proposed Valley Park Drive and the new connection of Coltrane Drive. The preliminary plan, and the subsequent site plan which is being concurrently reviewed with this plan, have been thoroughly reviewed by the County Department of Public Works and Transportation (DPWT) for consistency with the county C.I.P. road project and found to be acceptable.

**CONCLUSION:**

Preliminary Plan #1-04098, Baum Property, conforms to the Damascus Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the conditions included above.

**Attachments:**

- Attachment A – Site Vicinity Map
- Attachment B – Preliminary Plan
- Attachment C – Citizen Correspondence