



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

MCPB

Item #

2

10/25/07

MEMORANDUM

DATE: October 11, 2007

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor *CAC*
Development Review Division
(301) 495-4542

FROM: Stephen Smith *SS*
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for October 25, 2007

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220061230 **Colesville Farm Estates**
220071360 **Greenway Village**
220080170 **Beallsville Property**

PLAT NO. 220061230

Colesville Farm Estates

Located on the south side of Orchard Way at the terminus of Somerset Lane

RE-1 zone; 3 lots

Community Water, Community Sewer

Master Plan Area: White Oak

Arthur Williams, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 12005004A, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plan.

RECORD PLAT REVIEW SHEET

120050040

Plan Name: Colesville Farm Estates Plan Number: 12005004A
 Plat Name: Colesville Farm Est. Plat Number: 220061230
 Plat Submission Date: 12/14/05
 DRD Plat Reviewer: OW
 DRD Prelim Plan Reviewer: DeVos K. / Richard Weaver

Initial DRD Review:

Signed Preliminary Plan - Date 10/26/05 Checked: Initial DW Date 10/10/07
 Planning Board Opinion - Date 10/26/05 Checked: Initial SJS Date SJS
 Site Plan Req'd for Development? Yes No Verified By: SJS (initial)
 Site Plan Name: Site Plan Number:
 Planning Board Opinion - Date Checked: Initial Date
 Site Plan Signature Set - Date Checked: Initial Date
 Site Plan Reviewer Plat Approval: Checked: Initial Date

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # Road/Alley Widths OK Easements OK Open Space N/A
 Non-standard BRLs N/A Adjoining Land OK Vicinity Map OK Septic Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>C. Brnnag</u>	<u>12/20/05</u>	<u>1-6-06</u>	<u>1-11-06</u>	<u>Impervious Agreement</u>
Research	<u>Bobby Fleury</u>	<u> </u>	<u> </u>	<u>12-20-05</u>	<u>Coordinate Point</u>
SHA	<u>Doug Mills</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
PEPCO	<u>Jose Washington</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Parks	<u>Doug Powell</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DRD	<u>Steve Smith</u>	<u> </u>	<u> </u>	<u>12-29-05</u>	<u>See Plat</u>

Final DRD Review:

DRD Review Complete:
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up):
 Final Mylar w/Mark-up & PDF Rec'd:

Initial
SJS
SJS
SJS

Date
10-11-07
9-18-07
10-10-07

Board Approval of Plat:

Plat Agenda:
 Planning Board Approval:
 Chairman's Signature:

SJS

10-25-07

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:
 Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:
 File Card Update:
 Final Zoning Book Check:
 Update Address Books with Plat #:
 Update Green Books for Resubdivision:
 Notify Engineer to Seal Plats:
 Engineer Seal Complete:
 Complete Reproduction:
 Sent to Courthouse for Recordation:

No.

Need impervious agreement



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

OCT 15 2007

MCPB No. 07-171
Preliminary Plan No. 12005004A
Colesville Farm Estates
Date of Hearing: July 19, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

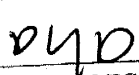
WHEREAS, on June 27, 2007, Arthur W. Williams, III ("Applicant"), filed an application for approval of an amendment to a previously approved preliminary plan to amend Condition No. 8 of the approval, as specified in the Planning Board opinion dated October 26, 2005; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan Amendment No. 12005004A, Colesville Farm Estates ("Amendment"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated July 6, 2007, setting forth its analysis, and recommendation for approval, of the Amendment subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other governmental agencies, on July 19, 2007, the Planning Board held a public hearing on the Amendment (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

APPROVED AS TO LEGAL SUFFICIENCY
 9/19/07
MNCPPC LEGAL DEPARTMENT

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, on July 19, 2007, the Planning Board approved the Amendment subject to certain conditions, on motion of Commissioner Lynch; seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Bryant, Cryor, Hanson, Lynch, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan Amendment No. 12005004A to amend a previously approved preliminary plan that created 3 lots on 3.17 acres of land located on the south side of Orchard Way, approximately 2,000 feet east of the intersection with New Hampshire Avenue ("Property" or "Subject Property"), in the White Oak & Vicinity Master Plan area ("Master Plan"). This approval amends Condition 8 of the Planning Board Opinion dated October 26, 2005, to read as follows:

- 8) The fifteen-foot wide pedestrian right-of-way shall be dedicated and shall include appropriate signage at both points of access on the subject property. The pathway on the subject property shall be graded but remain unimproved in grass cover. Modest delineation of the pathway is required. The Applicant must construct a split rail fence along the southern boundary of the pedestrian right-of-way. The Applicant must seek an agreement with Montgomery County Department of Public Works and Transportation to establish the Applicant's maintenance and mowing responsibilities and a determination of legal liability with respect to the pedestrian right-of-way.

BE IT FURTHER RESOLVED, that all other conditions contained in the Planning Board opinion for the Application, dated October 26, 2005, remain in full force and effect and are incorporated herein by reference.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Amendment to Condition 8 is appropriate for this subdivision.*

The previously approved Application contained a condition requiring dedication of a 15-foot-wide public right of way to provide pedestrian access via a path to be constructed by the Applicant through the Subject Property (Condition 8). Since approval of the Application, it has become clear that construction of a hard-surfaced path would cause the Subject Property to exceed the 10% impervious surface limitation imposed on the application because of the Property's location within the Upper Paint Branch Special Protection Area. The

Planning Board finds that the amended language of Condition 8, which requires dedication of the access easement and delineation of a graded pathway with a grass surface, will provide safe and adequate pedestrian access while not exceeding the impervious surface limit for the Property.

BE IT FURTHER RESOLVED, that except as specified above, the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved preliminary plan; and

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be; and

BE IT FURTHER RESOLVED, that the date of this Resolution is OCT 5 2007 (which is the date that this Resolution is mailed to all parties of record); and

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

* * * * *

At its regular meeting held on Thursday September 27, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Vice Chair Robinson, with Chairman Hanson, Vice Chair Robinson, and Commissioners Bryant, Cryor, and Lynch present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan 12005004A, Colesville Farm Estates.



Royce Hanson, Chairman
Montgomery County Planning Board

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Date Mailed: OCT 26 2005

Public Hearing Date: June 2, 2005

Action: Approved Staff
Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Robinson,
with a vote of 5-0;
Chairman Berlage and Commissioners
Perdue, Bryant, Wellington, and
Robinson voting in favor.

RECEIVED

OCT 26 2005

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05004

NAME OF PLAN: Colesville Farm Estates (Resubdivision)

The date of this written opinion is OCT 26 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

INTRODUCTION

On July 7, 2004, Arthur W. Williams, III ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RE-1 zone. The Application proposed to create 3 lots on 3.174 acres of land located on the south side of Orchard Way, approximately 2,000 feet east of the intersection with New Hampshire Avenue ("Property" or "Subject Property"), in the White Oak master plan area.¹ The Application was captioned Preliminary Plan 1-05004 ("Application" or "Preliminary Plan"). On June 2, 2005, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing concurrently with Applicant's application to abandon an unimproved portion of Somerset Lane right-of-way between Orchard Way

¹ The Subject Property consists of two previously recorded lots and a portion of unimproved Somerset Lane right-of-way located between those lots.

and Berkley Road.² At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

Lot 1 and Lot 10 of the Subject Property are part of the Colesville Farm Estates Subdivision, which was approved in 1946. The Subject Property is located on the south side of Orchard Way, approximately 2,000 feet east of the intersection with New Hampshire Avenue (MD 650). Single-family residences exist on each of the two existing lots and are proposed to remain. As is stated above, the Subject Property contains an unimproved right-of-way and is 3.174 acres in size.

The site lies within the Upper Paint Branch Special Protection Area (SPA). Paint Branch and its tributaries upstream of I-495 are Use III streams (natural trout waters).³ The site drains to the Good Hope Tributary of Paint Branch. The site is in an upland area and there are no on-site forests, streams, wetlands, or environmental buffers. There are many large and specimen trees on the site.

PROJECT DESCRIPTION

The Application proposed a resubdivision to create three (3) residential lots from two existing lots on the south side of Orchard Way in the White Oak Master Planning Area. Approval of the preliminary plan application is subject to the abandonment of an unbuilt, dedicated 60-foot right-of-way portion of Somerset Lane, which is located on the subject site.

² The abandonment application, captioned AB-668, was filed by the Applicant with the County Executive on or about September 24, 2004.

³ Paint Branch supports a naturally –reproducing brown trout population. This stream system is a unique resource for Montgomery County because it is the only stream system in the county with a proven, consistent long-term self-sustaining trout population.

BACKGROUND

Master Plan Compliance

Staff advised the Board that the White Oak Master Plan ("Master Plan") does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land use. The Master Plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of single-family detached homes. The Master Plan also recommends building pedestrian walkways, where appropriate to enhance the network of pedestrian ways and to improve access to transit. The Application complies with the recommendations adopted in the Master Plan in that it is a request for residential development and proposes to create an opportunity for future pedestrian circulation within the community by dedicating a 15-foot right-of-way on the Subject Property.

Right-of-Way Abandonment

Pursuant to Section 50-15(a) of the Subdivision Regulations, the heirs or assigns of the individual or entity that originally dedicated land for public use may file a petition to abandon any areas that have been dedicated for public use. Here, the Applicant, is such a successor-in-interest and was, therefore, authorized to apply for abandonment. Pursuant to relevant provisions of Chapter 49 of the County Code, the Planning Board's responsibility in the abandonment application is to forward its recommendation on the application to the Montgomery County Department of Public Works and Transportation. The District Council ultimately decides whether an abandonment application will be granted.

From a transportation perspective, the abandonment of the subject right-of-way would eliminate a potential north/south vehicular and pedestrian connection within the neighborhood. Staff advised the Board of its desire to maintain pedestrian connectivity between Orchard Way and Berkley Road. The Preliminary Plan proposed an unimproved 15-foot right-of-way at the location of the existing alignment of the original Somerset Lane in order to maintain such pedestrian connectivity.

Prior to taking a vote on the instant Preliminary Plan, the Planning Board voted unanimously in a separate action to support Staff's recommendation that the District Council grant Applicant's petition to abandon that portion of the unimproved Somerset Lane right-of-way.

Conformance With Section 50-29(b)(2)

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply with all seven of the resubdivision criteria, set forth in Section

50-29(b)(2) of the Subdivision Regulations. In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. The Applicant had proposed a neighborhood of forty-five (45) lots for analysis purposes ("Neighborhood"). The Neighborhood extends west to New Hampshire Avenue (MD 650), east to Grassmere Road, north to the rear property lines of lots fronting on the north side Orchard Way and south to the rear of the lots fronting on the south side of Orchard Way. Staff advised the Board that, in Staff's view, the Applicant's neighborhood delineation is appropriate because it provides an adequate sample that exemplifies the lot and development pattern of the area. The Staff Report included a graphic representation of the Neighborhood and a tabular summary comparing the relevant lot characteristics of lots existing in the Neighborhood to those proposed. Staff informed the Board that it had concluded that the proposed lots were of the same character with respect to the resubdivision criteria as other lots existing within the Neighborhood. The Board's specific findings on the resubdivision are contained below, in the Findings section of this Opinion.

Conformance to the Special Protection Area Requirements, Including the Environmental Overlay Zone

As part of the requirements of the Special Protection Area law, a preliminary and final water quality plan must be reviewed in conjunction with a preliminary subdivision plan.⁴ Under the relevant provision of the law, the Montgomery County Department of Permitting Services ("DPS") and the Planning Board have different responsibilities in the review of a water quality plan. DPS reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, storm water management, sediment and erosion control, and monitoring of best management practices. DPS reviewed and approved the elements of the preliminary water quality plan under its purview. The Planning Board's responsibility is to determine whether the combined preliminary and final water quality plan associated with a preliminary plan application conforms with all policies in the Planning Board's Environmental Guidelines that apply to SPAs, including: environmental buffer protection requirements; forest conservation and planting requirements; and site imperviousness limits.

⁴ Section 19-62 (b) of the Montgomery County Code states that

[e]xcept as otherwise expressly provided in this Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property: (1) who is required by law to obtain approval of a . . . preliminary plan of subdivision

Site Imperviousness

The Upper Paint Branch SPA has a ten percent (10%) site imperviousness limit on new development. The imperviousness limit is set forth in the environmental overlay zone for the Upper Paint Branch SPA. The water quality plan proposes a site imperviousness level of 10 percent, which will include two existing houses and one new house and associated driveways. Portions of the existing driveways will be removed to ensure that the subdivision does not exceed the 10 percent imperviousness limit. The site imperviousness also includes a small area of pavement widening along Orchard Way required by DPWT and to be constructed as part of the subdivision. Staff advised the Board that it had concluded that the Application conforms to the provisions of environmental overlay zone.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval of the Application in its memorandum dated May 20, 2005 ("Staff Report"). Staff testified at the public hearing, presenting its findings consistent with the Staff Report. Staff advised the Board that the Application as conditioned complies with subdivision regulations and recommended approval of the Preliminary Plan.

The Applicant appeared at the hearing represented by legal counsel. Applicant testified that it found the conditions of approval acceptable.

Numerous speakers appeared and testified at the public hearing. A majority of the speakers testified concerning the proposal to abandon the right-of-way and the dedication of a 15-foot wide right-of-way to provide pedestrian connectivity mid-block. The issues addressed by the public speakers and discussed through Applicant's additional testimony and questions posed by the Board to Applicant and Staff included the following:

1. Road Abandonment/Pedestrian Walkway

Speakers expressed different views as to whether there existed a need for a mid-block pedestrian connection. There was also opinion voiced on both sides of the question as to whether a natural or paved surface was desirable.

a. Impact of Proposed Pedestrian Walkway on Neighboring Properties

A letter submitted to the Development Review Division ("DRD"), signed by several residents of the community, expressed support for the proposed resubdivision but opposition to a pedestrian path. The residents in opposition expressed concern for the impact of the pedestrian path on security, safety,

and privacy in the neighborhood. The letter questioned the need such mid-block pedestrian connectivity.

Owners of properties that would abut the proposed pedestrian right-of-way testified against the dedication of land for such a mid-block pedestrian connection. One speaker asked the Board to consider the benefits and burdens on neighbors, the cost to the county to install and maintain the walkway, and other costs, including loss of privacy for two families whose properties would abut the proposed pedestrian walkway. Mirroring arguments presented in the above-mentioned letter, owners of lots that would abut the proposed pathway testified that, among other things, the proposed pedestrian path posed privacy, vandalism, safety, and liability concerns. These owners also testified that they were concerned that pedestrians would cut through private lots instead of remaining on the proposed right-of-way. One speaker sought assurance that the proposed pedestrian right-of-way not be permitted to function as a driveway access to the new lot.

One neighbor who owns a lot confronting the Subject Property expressed support for the pedestrian walkway while stating his preference for green space over the proposed additional lot.

A neighboring lot owner submitted a letter into the record expressing support for a pedestrian path to provide the neighborhood connectivity, which, in this property owner's view, is lacking.

Following consideration of the testimony at the public hearing, the Board suggested that the proposed pedestrian right-of-way should be delineated in a way that would make abundantly clear to all the demarcation line separating the public use right-of-way from privately owned lots. The Board commented that such a clear delineation would minimize the potential for inadvertent trespassing.

During its rebuttal testimony, Applicant proffered adding language to the conditions of approval requiring that Applicant coordinate with Staff and submit for Staff's review a plan that delineates the pathway and a provides a method for delineating the right-of-way from adjoining residential lots. Staff's approval of such a plan would be required prior to recordation of a plat.

b. Type of Proposed Pedestrian Walkway

One neighboring property owner expressed concern regarding the usability by pedestrians of the right-of-way created by abandonment of Somerset Lane, which, as proposed, would not include an improved path. She opined that, without time-specific, concrete action by developers, an unused right-of-way

Another neighbor expressed his concern that the presence of construction crews in the neighborhood would result in inconvenience to neighbors. A speaker questioned whether the subdivision process would allow for further subdivision of the three subject lots, and requested a provision restricting any such further subdivision.

Applicant testified that, given the minimum lot size requirement of 40,000 square feet in the RE-1 Zone, it is unlikely that the three lots would come in for resubdivision. Staff confirmed this, testifying that the current RE-1 zoning would not allow room for resubdivision.

The representative of the Greater Colesville Citizens Association testified that the public speakers at the Hearing represented the diverse nature of opinions in the neighborhoods. He testified that while he did not object to the road abandonment, he did object to the reduction in green space, increase in impervious area, and use for additional housing. He testified that he believed two houses were sufficient for this area and that following the road abandonment, the abandoned area should be retained as green space.

During its rebuttal testimony, and in response to speakers' statements implying that the Applicant would receive the abandoned right-of-way for no consideration, the Applicant discussed the legal status of property that is dedicated. The Applicant pointed out that as the successor-in-interest to the individual or entity that had dedicated the relevant portion of Somerset Lane, the Applicant holds the underlying fee ownership of the land and had a reversionary interest in that land in the event of road abandonment.

FINDINGS

Having given full consideration to the recommendations of its Staff, which the Board hereby adopt and incorporate by reference; the recommendations of the applicable public agencies⁵; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board :

- a) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-35(l), that Preliminary Plan No. 1-05004 substantially conforms to the White Oak Master Plan.
- b) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-35(k), that public facilities will be adequate to support and service the area of the proposed subdivision.

⁵ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

might become unusable by pedestrians as had been the case with previous road abandonments in the neighborhood. The speaker supported inclusion of a 5-foot paved pedestrian walkway. A representative of the Greater Colesville Citizens Association testifying generally in opposition to the abandonment of right-of-way, commented that if the abandonment were granted, however, the pedestrian walkway should be paved in order that it be accessible to all members of the community.

Recognizing that there exists an impervious limitation for development on the Subject Property, the Board suggested that an alternative to a standard asphalt impervious path be considered. The Applicant testified that an ADA-compliant, engineered woodfiber material that is used on playgrounds might be one alternative for Staff to consider for the walkway surface. The Board expressed general support for such a product and agreed that coordination would be required with Environmental Planning Staff in order to ensure that the walkway would be sufficiently pervious.

c. Prior Abandonment of Paper Streets in the Neighborhood

The Staff Report included research indicating that there were at least two previous north/south rights-of-way, which were abandoned and no longer exist. The Monocacy Drive right-of-way was located on the west side of the subdivision, approximately 1,600 feet east of New Hampshire Avenue (MD 650), between Orchard Way and Notley Road. The other right-of-way, which no longer exists, was located on the east side of the subdivision at the end of Notley Road. The Staff Report concluded that the abandonment of the previous two rights-of-way could be viewed as a demonstration by the community and the County that these internal vehicular connections are not wanted or needed. However, the Transportation Staff of M-NCPPC advised the Board of its view that the proposed 15-foot right-of-way would provide an opportunity to maintain what appears to be the last existing neighborhood connection that serves to facilitate internal pedestrian circulation where other adequate alternatives for such a right-of-way are unavailable.

Staff provided testimony as to existing paper streets, previous abandonments, and the history of abandonment of such paper streets. Staff expressed its view that no negative impact on the neighborhood would result from the abandonment of Somerset Lane.

2. Other Concerns

One neighbor questioned the amount that the Applicant paid for the Property. She expressed concern that the building of a new home on the proposed lot would prove disruptive to neighbors and constituted an unfair advantage to the Applicant.

- c) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-29(a)(1), that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The application satisfies all the applicable requirements of Montgomery County Code Chapter 19, Article V (Water Quality Review in Special Protection Areas). This finding is subject to any applicable condition(s) of approval.
- g) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-29(b)(2), that the proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (delineated in the Staff Report), as analyzed below.

Frontage: In a Neighborhood of forty-five (45) lots, lot frontages range from 109 feet to 201 feet. The proposed lots have frontages of 125 feet, 141 feet and 170 feet. Therefore, the Board finds that the proposed lots are of the same character, with respect to frontage, as other lots in the Neighborhood.

Area: Neighborhood lot areas range from 10,035 square feet to 43,140 square feet. The proposed lots have areas of 22,057 square feet, 25,892 square feet and 29,748 square feet, which the Board finds is of the same character with respect to area as the existing lots in the Neighborhood.

Lot Size: The lot sizes in the Neighborhood range from 21,178 square feet to 68,640 square feet. The proposed lots will have lot sizes of 41,173 square feet, 46,545 square feet and 50,524 square feet. As such, the Board finds that the proposed resubdivision will be of the same character as the other lots in the Neighborhood with respect to their relative sizes.

Lot Width: The lot widths in the Neighborhood range from 109 feet to 214 feet. The proposed lots will have lot widths of 125 feet, 141 feet and 170 feet,

which, the Planning Board finds, demonstrates that the widths are of the same character with those of the other lots in the Neighborhood.

Shape: There are three (3) corner lots in the Neighborhood, five (5) irregular lots, and the remaining lots are rectangular in shape. The proposed resubdivision will create two (2) rectangular lots and one (1) irregularly shaped lot. The Board, therefore, finds that the proposed resubdivision will have the same character as the existing lots in the Neighborhood with respect to shape.

Alignment: There are three (3) radial lots in the Neighborhood, three (3) corner lots and the remainder of the lots are perpendicular in alignment. The proposed lots are all perpendicular in alignment; and, therefore, the Board finds that they are of the same character as to alignment as the existing lots in the Neighborhood.

Suitability for Residential Use: The Board finds that the existing and the proposed lots are zoned residential and the land is suitable for residential use.

- h) Finds, based on testimony and evidence presented, that there exists a need to maintain a pedestrian connection between Orchard Way and Berkley Road in the general area of that portion of Somerset Lane that the Applicant has petitioned to abandon. The Board concurs with the conclusion of Transportation Planning Staff, presented at the hearing and in a memorandum dated May 25, 2005, that the dedication of a 15-foot right-of-way on the Subject Property is essential because the only other north-south connection between the two subdivisions is New Hampshire Avenue, which is located approximately 2,000 feet west of the Subject Property; and, moreover, that there exists a need for a local pedestrian connection for the Paint Branch Farms community to reach Upper Paint Branch Park, Colesville Local Park, the Colesville Elementary School, and neighbors in the Colesville Farm Estates community. The Board further finds that, as conditioned, its approval of the Application will: (1) ensure that there exists sufficient delineation of the right-of-way area such that the likelihood of accidental trespassing on abutting residential lots will be very low; and (2) provide a pathway that is accessible to and useable by all members of the community while being sensitive to impervious limitations on the Subject Property. The Board additionally finds that there is insufficient evidence to support claims that the dedication of right-of-way for a pedestrian path will encourage vandalism, and raises safety and liability concerns; and, moreover, that the benefit to the community of such a pedestrian connection outweighs such unsubstantiated concerns.

- i) Finds that any future objection concerning a substantive issue that was not raised prior to the closing of the Record is waived.

CONDITIONS OF APPROVAL

The Board finds, based on evidence of record (including staff memoranda and testimony), that the combined preliminary and final water quality plan associated with Preliminary Plan No. 1-05004 conforms with all policies in the Planning Board's Environmental Guidelines that apply to SPAs, including: environmental buffer protection requirements; forest conservation and planting requirements; and site imperviousness limits. Having so found, the Planning Board approves the combined preliminary and final water quality plan associated with Preliminary Plan No. 1-05004.

Finding Preliminary Plan No. 1-05004 in accordance with the purposes and all applicable regulations pursuant to Section 50-29 (b) (2), of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05004, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to three (3) one-family dwelling units and is contingent upon the abandonment of the unbuilt right-of-way for Somerset Lane.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan dated May 24, 2005. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) Compliance with conditions of MCDPWT letter dated, February 25, 2004 unless otherwise amended.
- 4) Compliance with conditions of approval of Transportation Planning letter dated May 25, 2005.
- 5) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 6) Record plat to depict the abandonment of the unbuilt 60-foot right-of-way for Somerset Lane located on the property.
- 7) Record plat to depict a 15-foot right-of way ("Pedestrian Right-of-Way") dedication on the property for internal neighborhood circulation.
- 8) The Pedestrian Right-of-Way shall be dedicated with proper delineation and shall include appropriate landscaped barricades at both accesses. Applicant shall submit a plan ("Pathway Plan") to staff for its review and approval. The Pathway Plan must include detailed and specific information concerning (1) proposed measures to delineate the boundary of the Pedestrian Right-of-Way; (2) the dimensions, location, and composition of the pathway to be constructed within the Pedestrian Right-of-Way; (3) any landscaping associated with the Pedestrian Right-of-Way; and (4) such additional information requested by Planning Staff. Staff must approve the Pathway Plan prior to recordation of plat. Applicant shall

- install/construct all landscaping, delineation measures, and the pedestrian pathway required by the approved Pathway Plan.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated September 8, 2004.
 - 10) Prior to record plat, Applicant to enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10 percent as shown on the revised preliminary plan. Any modifications to these plans that increase site imperviousness may require Planning Board approval.
 - 11) Prior to release of building permits, Applicant to demonstrate conformance to impervious surface limits as shown on the revised preliminary plan. Compliance with conditions of MCDPS (Health Dept.) septic abandonment dated July 26, 2004.
 - 12) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

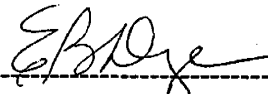
APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC LEGAL DEPARTMENT
DATE 10/12/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday October 20, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with Chairman Berlage and Commissioners Bryant, Robinson, and Wellington voting in favor of the motion, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan 1-05004, Colesville Farm Estates. Commissioner Perdue was absent.



Certification As To Vote of Adoption
Technical Writer

PLAT NO. 220071360

Greenway Village

Located in the southwest quadrant of the intersection of Skylark Road and Ridge Road
(MD 27)

PD-4 zone; 4 parcels

Community Water, Community Sewer

Master Plan Area: Clarksburg

The Artery Group, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 12002033B and Site Plan No. 82004022A, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plans.

RECORD PLAT REVIEW SHEET

Plan Name: Greenway Village Plan Number: 12002033B
 Plat Name: Greenway Village at Clarksburg Plat Number: 220071360
 Plat Submission Date: 4-13-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: C. Conlon

Initial DRD Review:

Signed Preliminary Plan - Date 7-24-06 Checked: Initial CAC Date 6/11/07
 Planning Board Opinion - Date 4-26-06 Checked: Initial SJS Date 5-21-07
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: SJS (initial)
 Site Plan Name: Greenway Village at Clarksburg Site Plan Number: 82004022A
 Planning Board Opinion - Date 8-9-06 Checked: Initial SJS Date 5-21-07
 Site Plan Signature Set - Date 9-6-06 Checked: Initial SJS Date 5-21-07
 Site Plan Reviewer Plat Approval: Checked: Initial PAK Date 10-12-07

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ok
 Coordinates ok Plan # ☒ Road/Alley Widths ☒ Easements ok Open Space N/A
 Non-standard BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells N/A
 TDR notes N/A Child Lot notes N/A Surveyor Cert ☒ Owner Cert ☒ Tax Map ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>J. Penn</u>	<u>4-26-07</u>	<u>5-14-07</u>	<u>—</u>	<u>No Comments</u>
Research	Bobby Fleury	<u>↓</u>	<u>↓</u>	<u>5-1-07</u>	<u>ok</u>
SHA	Doug Mills	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>—</u>
PEPCO	Steve Baxter	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>—</u>
Parks	Doug Powell	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>—</u>
DRD	Steve Smith	<u>↓</u>	<u>↓</u>	<u>5-2-07</u>	<u>Meadowmist Rd</u>

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

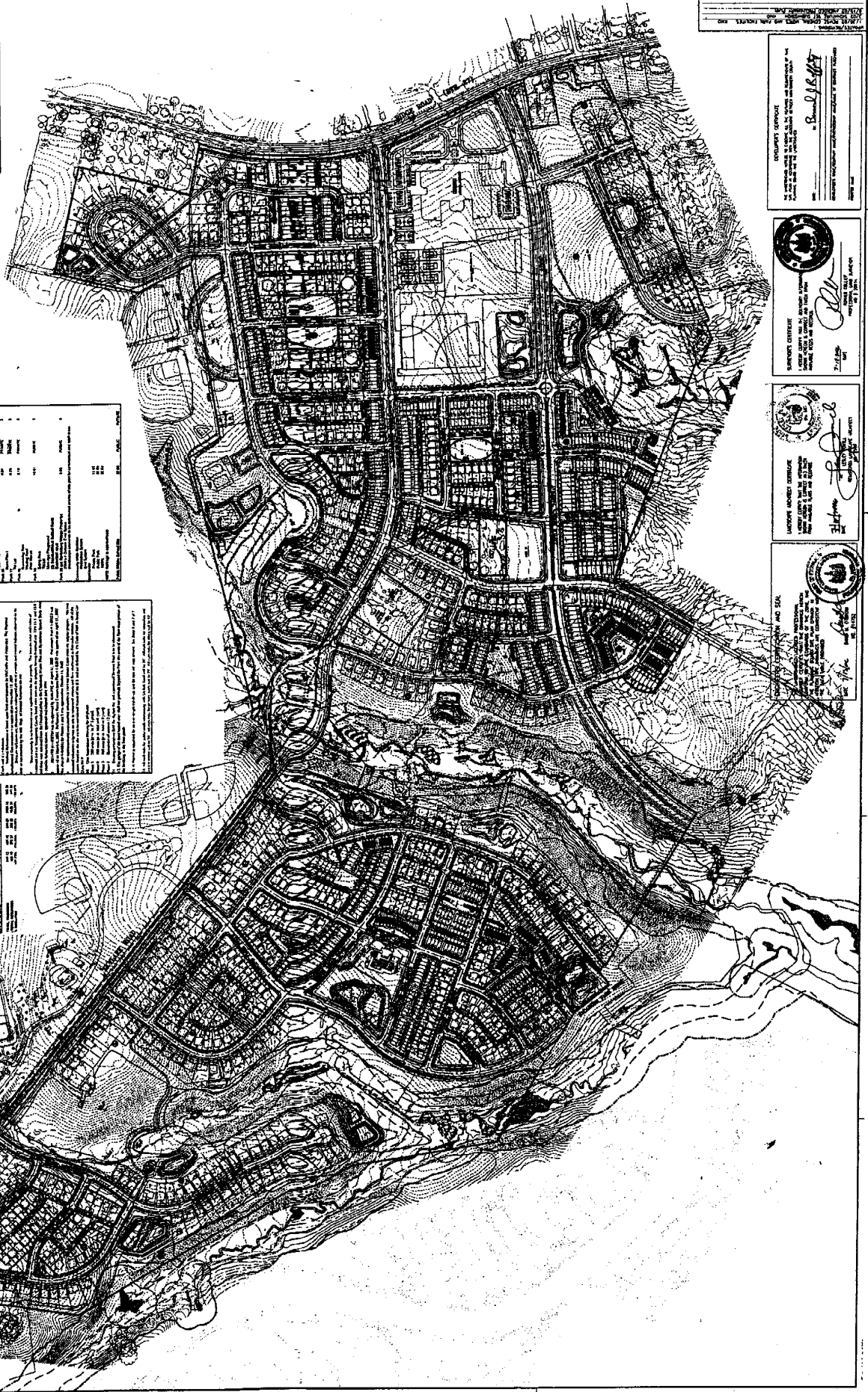
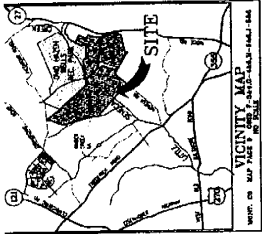
Sent to Courthouse for Recordation:

Initial

SJSSJSSJSSJS———————————————

Date

10/12/075-18-0710-9-0710-25-07———————————————No.



Lot No.	Area (Ac.)	Volume (Cu. Yd.)	Notes
1	0.15	1,200	Existing structure to be demolished
2	0.20	1,600	Existing structure to be demolished
3	0.10	800	Existing structure to be demolished
4	0.15	1,200	Existing structure to be demolished
5	0.20	1,600	Existing structure to be demolished
6	0.10	800	Existing structure to be demolished
7	0.15	1,200	Existing structure to be demolished
8	0.20	1,600	Existing structure to be demolished
9	0.10	800	Existing structure to be demolished
10	0.15	1,200	Existing structure to be demolished
11	0.20	1,600	Existing structure to be demolished
12	0.10	800	Existing structure to be demolished
13	0.15	1,200	Existing structure to be demolished
14	0.20	1,600	Existing structure to be demolished
15	0.10	800	Existing structure to be demolished
16	0.15	1,200	Existing structure to be demolished
17	0.20	1,600	Existing structure to be demolished
18	0.10	800	Existing structure to be demolished
19	0.15	1,200	Existing structure to be demolished
20	0.20	1,600	Existing structure to be demolished
21	0.10	800	Existing structure to be demolished
22	0.15	1,200	Existing structure to be demolished
23	0.20	1,600	Existing structure to be demolished
24	0.10	800	Existing structure to be demolished
25	0.15	1,200	Existing structure to be demolished
26	0.20	1,600	Existing structure to be demolished
27	0.10	800	Existing structure to be demolished
28	0.15	1,200	Existing structure to be demolished
29	0.20	1,600	Existing structure to be demolished
30	0.10	800	Existing structure to be demolished
31	0.15	1,200	Existing structure to be demolished
32	0.20	1,600	Existing structure to be demolished
33	0.10	800	Existing structure to be demolished
34	0.15	1,200	Existing structure to be demolished
35	0.20	1,600	Existing structure to be demolished
36	0.10	800	Existing structure to be demolished
37	0.15	1,200	Existing structure to be demolished
38	0.20	1,600	Existing structure to be demolished
39	0.10	800	Existing structure to be demolished
40	0.15	1,200	Existing structure to be demolished
41	0.20	1,600	Existing structure to be demolished
42	0.10	800	Existing structure to be demolished
43	0.15	1,200	Existing structure to be demolished
44	0.20	1,600	Existing structure to be demolished
45	0.10	800	Existing structure to be demolished
46	0.15	1,200	Existing structure to be demolished
47	0.20	1,600	Existing structure to be demolished
48	0.10	800	Existing structure to be demolished
49	0.15	1,200	Existing structure to be demolished
50	0.20	1,600	Existing structure to be demolished

Lot No.	Area (Ac.)	Volume (Cu. Yd.)	Notes
51	0.15	1,200	Existing structure to be demolished
52	0.20	1,600	Existing structure to be demolished
53	0.10	800	Existing structure to be demolished
54	0.15	1,200	Existing structure to be demolished
55	0.20	1,600	Existing structure to be demolished
56	0.10	800	Existing structure to be demolished
57	0.15	1,200	Existing structure to be demolished
58	0.20	1,600	Existing structure to be demolished
59	0.10	800	Existing structure to be demolished
60	0.15	1,200	Existing structure to be demolished
61	0.20	1,600	Existing structure to be demolished
62	0.10	800	Existing structure to be demolished
63	0.15	1,200	Existing structure to be demolished
64	0.20	1,600	Existing structure to be demolished
65	0.10	800	Existing structure to be demolished
66	0.15	1,200	Existing structure to be demolished
67	0.20	1,600	Existing structure to be demolished
68	0.10	800	Existing structure to be demolished
69	0.15	1,200	Existing structure to be demolished
70	0.20	1,600	Existing structure to be demolished
71	0.10	800	Existing structure to be demolished
72	0.15	1,200	Existing structure to be demolished
73	0.20	1,600	Existing structure to be demolished
74	0.10	800	Existing structure to be demolished
75	0.15	1,200	Existing structure to be demolished
76	0.20	1,600	Existing structure to be demolished
77	0.10	800	Existing structure to be demolished
78	0.15	1,200	Existing structure to be demolished
79	0.20	1,600	Existing structure to be demolished
80	0.10	800	Existing structure to be demolished
81	0.15	1,200	Existing structure to be demolished
82	0.20	1,600	Existing structure to be demolished
83	0.10	800	Existing structure to be demolished
84	0.15	1,200	Existing structure to be demolished
85	0.20	1,600	Existing structure to be demolished
86	0.10	800	Existing structure to be demolished
87	0.15	1,200	Existing structure to be demolished
88	0.20	1,600	Existing structure to be demolished
89	0.10	800	Existing structure to be demolished
90	0.15	1,200	Existing structure to be demolished
91	0.20	1,600	Existing structure to be demolished
92	0.10	800	Existing structure to be demolished
93	0.15	1,200	Existing structure to be demolished
94	0.20	1,600	Existing structure to be demolished
95	0.10	800	Existing structure to be demolished
96	0.15	1,200	Existing structure to be demolished
97	0.20	1,600	Existing structure to be demolished
98	0.10	800	Existing structure to be demolished
99	0.15	1,200	Existing structure to be demolished
100	0.20	1,600	Existing structure to be demolished

Lot No.	Area (Ac.)	Volume (Cu. Yd.)	Notes
101	0.15	1,200	Existing structure to be demolished
102	0.20	1,600	Existing structure to be demolished
103	0.10	800	Existing structure to be demolished
104	0.15	1,200	Existing structure to be demolished
105	0.20	1,600	Existing structure to be demolished
106	0.10	800	Existing structure to be demolished
107	0.15	1,200	Existing structure to be demolished
108	0.20	1,600	Existing structure to be demolished
109	0.10	800	Existing structure to be demolished
110	0.15	1,200	Existing structure to be demolished
111	0.20	1,600	Existing structure to be demolished
112	0.10	800	Existing structure to be demolished
113	0.15	1,200	Existing structure to be demolished
114	0.20	1,600	Existing structure to be demolished
115	0.10	800	Existing structure to be demolished
116	0.15	1,200	Existing structure to be demolished
117	0.20	1,600	Existing structure to be demolished
118	0.10	800	Existing structure to be demolished
119	0.15	1,200	Existing structure to be demolished
120	0.20	1,600	Existing structure to be demolished
121	0.10	800	Existing structure to be demolished
122	0.15	1,200	Existing structure to be demolished
123	0.20	1,600	Existing structure to be demolished
124	0.10	800	Existing structure to be demolished
125	0.15	1,200	Existing structure to be demolished
126	0.20	1,600	Existing structure to be demolished
127	0.10	800	Existing structure to be demolished
128	0.15	1,200	Existing structure to be demolished
129	0.20	1,600	Existing structure to be demolished
130	0.10	800	Existing structure to be demolished
131	0.15	1,200	Existing structure to be demolished
132	0.20	1,600	Existing structure to be demolished
133	0.10	800	Existing structure to be demolished
134	0.15	1,200	Existing structure to be demolished
135	0.20	1,600	Existing structure to be demolished
136	0.10	800	Existing structure to be demolished
137	0.15	1,200	Existing structure to be demolished
138	0.20	1,600	Existing structure to be demolished
139	0.10	800	Existing structure to be demolished
140	0.15	1,200	Existing structure to be demolished
141	0.20	1,600	Existing structure to be demolished
142	0.10	800	Existing structure to be demolished
143	0.15	1,200	Existing structure to be demolished
144	0.20	1,600	Existing structure to be demolished
145	0.10	800	Existing structure to be demolished
146	0.15	1,200	Existing structure to be demolished
147	0.20	1,600	Existing structure to be demolished
148	0.10	800	Existing structure to be demolished
149	0.15	1,200	Existing structure to be demolished
150	0.20	1,600	Existing structure to be demolished

APPROVED FOR THE CITY OF CLARKSBURG
 [Signature]
 CLARKSBURG CITY ENGINEER

APPROVED FOR THE COUNTY OF MONTGOMERY
 [Signature]
 MONTGOMERY COUNTY ENGINEER

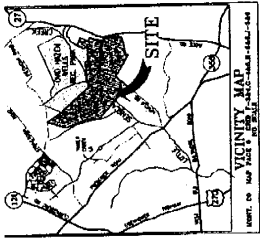
APPROVED FOR THE STATE OF MARYLAND
 [Signature]
 MARYLAND STATE ENGINEER

DEVELOPER'S CERTIFICATE

BE ADVISED THAT THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THE FOLLOWING INDICATED BY DATE

DATE: _____ BY: *Paul J. Kelly*

REVIEWED DATE: _____

[illegible]

1. Introduction - The purpose of this report is to provide a comprehensive overview of the current state of the market for [Product/Service]. This report will analyze the market trends, identify key players, and provide recommendations for future growth.

2. Market Overview - The market for [Product/Service] is currently experiencing rapid growth, driven by increasing demand and technological advancements. Key factors influencing the market include [List factors].

3. Competitive Analysis - The following table provides a comparison of the top five competitors in the market:

Company	Market Share (%)	Key Strengths	Weaknesses
Company A	25%	Strong brand, extensive distribution network	High prices, limited product range
Company B	18%	Innovative technology, strong customer loyalty	Limited marketing budget, slow growth
Company C	15%	Aggressive pricing, strong sales force	Weak brand, limited product range
Company D	12%	Strong focus on customer service, high quality products	Limited marketing budget, slow growth
Company E	10%	Strong focus on research and development, innovative products	High prices, limited distribution network

4. Recommendations - Based on the analysis, the following recommendations are provided for [Company Name]:

 - Expand the product range to include [Product/Service].
 - Implement a more aggressive pricing strategy to increase market share.
 - Strengthen the marketing budget to increase brand awareness.
 - Focus on improving customer service to increase loyalty.
 - Invest in research and development to stay ahead of the competition.

5. Conclusion - The market for [Product/Service] is highly competitive and rapidly growing. [Company Name] has the potential to increase its market share by implementing the recommended strategies.

6. Appendix - The following appendix provides additional information related to the market analysis:

 - Appendix A: Detailed market research data.
 - Appendix B: List of key industry players.
 - Appendix C: Detailed financial analysis.

7. References - The following references were used in the preparation of this report:

 - [Source 1]
 - [Source 2]
 - [Source 3]

8. Disclaimer - This report is for informational purposes only and does not constitute an offer or recommendation. The information contained herein is subject to change without notice.

9. Contact Information - For more information, please contact [Name] at [Phone Number] or [Email Address].

10. Page Information - This report consists of [Number] pages. The total number of pages is [Total Pages].

11. Page Number - This is page [Page Number] of [Total Pages].

12. Page Title - The title of this page is [Page Title].

13. Page Footer - The footer of this page contains the following information: [Page Footer]

14. Page Header - The header of this page contains the following information: [Page Header]

15. Page Number - This is page [Page Number] of [Total Pages].

16. Page Title - The title of this page is [Page Title].

17. Page Footer - The footer of this page contains the following information: [Page Footer]

18. Page Header - The header of this page contains the following information: [Page Header]

19. Page Number - This is page [Page Number] of [Total Pages].

20. Page Title - The title of this page is [Page Title].

21. Page Footer - The footer of this page contains the following information: [Page Footer]

22. Page Header - The header of this page contains the following information: [Page Header]

23. Page Number - This is page [Page Number] of [Total Pages].

24. Page Title - The title of this page is [Page Title].

25. Page Footer - The footer of this page contains the following information: [Page Footer]

26. Page Header - The header of this page contains the following information: [Page Header]

27. Page Number - This is page [Page Number] of [Total Pages].

28. Page Title - The title of this page is [Page Title].

29. Page Footer - The footer of this page contains the following information: [Page Footer]

30. Page Header - The header of this page contains the following information: [Page Header]

31. Page Number - This is page [Page Number] of [Total Pages].

32. Page Title - The title of this page is [Page Title].

33. Page Footer - The footer of this page contains the following information: [Page Footer]

34. Page Header - The header of this page contains the following information: [Page Header]

35. Page Number - This is page [Page Number] of [Total Pages].

36. Page Title - The title of this page is [Page Title].

37. Page Footer - The footer of this page contains the following information: [Page Footer]

38. Page Header - The header of this page contains the following information: [Page Header]

39. Page Number - This is page [Page Number] of [Total Pages].

40. Page Title - The title of this page is [Page Title].

41. Page Footer - The footer of this page contains the following information: [Page Footer]

42. Page Header - The header of this page contains the following information: [Page Header]

43. Page Number - This is page [Page Number] of [Total Pages].

44. Page Title - The title of this page is [Page Title].

45. Page Footer - The footer of this page contains the following information: [Page Footer]

46. Page Header - The header of this page contains the following information: [Page Header]

47. Page Number - This is page [Page Number] of [Total Pages].

48. Page Title - The title of this page is [Page Title].

49. Page Footer - The footer of this page contains the following information: [Page Footer]

50. Page Header - The header of this page contains the following information: [Page Header]

51. Page Number - This is page [Page Number] of [Total Pages].

52. Page Title - The title of this page is [Page Title].

53. Page Footer - The footer of this page contains the following information: [Page Footer]

54. Page Header - The header of this page contains the following information: [Page Header]

55. Page Number - This is page [Page Number] of [Total Pages].

56. Page Title - The title of this page is [Page Title].

57. Page Footer - The footer of this page contains the following information: [Page Footer]

58. Page Header - The header of this page contains the following information: [Page Header]

59. Page Number - This is page [Page Number] of [Total Pages].

60. Page Title - The title of this page is [Page Title].

61. Page Footer - The footer of this page contains the following information: [Page Footer]

62. Page Header - The header of this page contains the following information: [Page Header]

63. Page Number - This is page [Page Number] of [Total Pages].

64. Page Title - The title of this page is [Page Title].

65. Page Footer - The footer of this page contains the following information: [Page Footer]

66. Page Header - The header of this page contains the following information: [Page Header]

67. Page Number - This is page [Page Number] of [Total Pages].

68. Page Title - The title of this page is [Page Title].

69. Page Footer - The footer of this page contains the following information: [Page Footer]

70. Page Header - The header of this page contains the following information: [Page Header]

71. Page Number - This is page [Page Number] of [Total Pages].

72. Page Title - The title of this page is [Page Title].

73. Page Footer - The footer of this page contains the following information: [Page Footer]

74. Page Header - The header of this page contains the following information: [Page Header]

75. Page Number - This is page [Page Number] of [Total Pages].

76. Page Title - The title of this page is [Page Title].

77. Page Footer - The footer of this page contains the following information: [Page Footer]

78. Page Header - The header of this page contains the following information: [Page Header]

79. Page Number - This is page [Page Number] of [Total Pages].

80. Page Title - The title of this page is [Page Title].

81. Page Footer - The footer of this page contains the following information: [Page Footer]

82. Page Header - The header of this page contains the following information: [Page Header]

83. Page Number - This is page [Page Number] of [Total Pages].

84. Page Title - The title of this page is [Page Title].

85. Page Footer - The footer of this page contains the following information: [Page Footer]

86. Page Header - The header of this page contains the following information: [Page Header]

87. Page Number - This is page [Page Number] of [Total Pages].

88. Page Title - The title of this page is [Page Title].

89. Page Footer - The footer of this page contains the following information: [Page Footer]

90. Page Header - The header of this page contains the following information: [Page Header]

91. Page Number - This is page [Page Number] of [Total Pages].

92. Page Title - The title of this page is [Page Title].

93. Page Footer - The footer of this page contains the following information: [Page Footer]

94. Page Header - The header of this page contains the following information: [Page Header]

95. Page Number - This is page [Page Number] of [Total Pages].

96. Page Title - The title of this page is [Page Title].

97. Page Footer - The footer of this page contains the following information: [Page Footer]

98. Page Header - The header of this page contains the following information: [Page Header]

99. Page Number - This is page [Page Number] of [Total Pages].

100. Page Title - The title of this page is [Page Title].

101. Page Footer - The footer of this page contains the following information: [Page Footer]

102. Page Header - The header of this page contains the following information: [Page Header]

103. Page Number - This is page [Page Number] of [Total Pages].

104. Page Title - The title of this page is [Page Title].

105. Page Footer - The footer of this page contains the following information: [Page Footer]

106. Page Header - The header of this page contains the following information: [Page Header]

107. Page Number - This is page [Page Number] of [Total Pages].

108. Page Title - The title of this page is [Page Title].

109. Page Footer - The footer of this page contains the following information: [Page Footer]

110. Page Header - The header of this page contains the following information: [Page Header]

111. Page Number - This is page [Page Number] of [Total Pages].

112. Page Title - The title of this page is [Page Title].

113. Page Footer - The footer of this page contains the following information: [Page Footer]

114. Page Header - The header of this page contains the following information: [Page Header]

115. Page Number - This is page [Page Number] of [Total Pages].

116. Page Title - The title of this page is [Page Title].

117. Page Footer - The footer of this page contains the following information: [Page Footer]

118. Page Header - The header of this page contains the following information: [Page Header]

119. Page Number - This is page [Page Number] of [Total Pages].

120. Page Title - The title of this page is [Page Title].

121. Page Footer - The footer of this page contains the following information: [Page Footer]

122. Page Header - The header of this page contains the following information: [Page Header]

123. Page Number - This is page [Page Number] of [Total Pages].

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

[illegible][illegible]

Page 10

Page 11

Page 12

Page 13

Page 14

Page 15

Page 16

Page 17

Page 18

Page 19

Page 20

Page 21

Page 22

Page 23

Page 24

Page 25

Page 26

Page 27

Page 28

Page 29

Page 30

Page 31

Page 32

Page 33

Page 34

Page 35

Page 36

Page 37

Page 38

Page 39

Page 40

Page 41

Page 42

Page 43

Page 44

Page 45

Page 46

Page 47

Page 48

Page 49

Page 50

Page 51

Page 52

Page 53

Page 54

Page 55

Page 56

Page 57

Page 58

Page 59

Page 60

Page 61

Page 62

Page 63

Page 64

Page 65

Page 66

Page 67

Page 68

Page 69

Page 70

Page 71

Page 72

Page 73

Page 74

Page 75

Page 76

Page 77

Page 78

Page 79

Page 80

Page 81

Page 82

Page 83

Page 84

Page 85

Page 86

Page 87

Page 88

Page 89

Page 90

Page 91

Page 92

Page 93

Page 94

Page 95

Page 96

Page 97

Page 98

Page 99

Page 100

Page 101

Page 102

Page 103

Page 104

Page 105

Page 106

Page 107

Page 108

Page 109

Page 110

Page 111

Page 112

Page 113

Page 114

Page 115

Page 116

Page 117

Page 118

Page 119

Page 120

Page 121

Page 122

Page 123

Page 124

Page 125

Page 126

Page 127

Page 128

Page 129

Page 130

Page 131

Page 132

Page 133

Page 134

Page 135

Page 136

Page 137

Page 138

Page 139

Page 140

Page 141

Page 142

Page 143

Page 144

Page 145

Page 146

Page 147

Page 148

Page 149

Page 150

Page 151

Page 152

Page 153

Page 154

Page 155

Page 156

Page 157

Page 158

Page 159

Page 160

Page 161

Page 162

Page 163

Page 164

Page 165

Page 166

Page 167

Page 168

Page 169

Page 170

Page 171

Page 172

Page 173

Page 174

Page 175

Page 176

Page 177

Page 178

Page 179

Page 180

Page 181

Page 182

Page 183

Page 184

Page 185

Page 186

Page 187

Page 188

Page 189

Page 190

Page 191

Page 192

Page 193

Page 194

Page 195

Page 196

Page 197

Page 198

Page 199

Page 200

Page 201

Page 202

Page 203

Page 204

Page 205

Page 206

Page 207

Page 208

Page 209

Page 210

Page 211

Page 212

Page 213

Page 214

Page 215

Page 216

Page 217

Page 218

Page 219

Page 220

Page 221

Page 222

Page 223

Page 224

Page 225

Page 226

Page 227

Page 228

Page 229

Page 230

Page 231

Page 232

Page 233

Page 234

Page 235

Page 236

Page 237

Page 238

Page 239

Page 240

Page 241

Page 242

Page 243

Page 244

Page 245

Page 246

Page 247

Page 248

Page 249

Page 250

Page 251

Page 252

Page 253

Page 254

Page 255

Page 256

Page 257

Page 258

Page 259

Page 260

Page 261

Page 262

Page 263

Page 264

Page 265

Page 266

Page 267

Page 268

Page 269

Page 270

Page 271

Page 272

Page 273

Page 274

Page 275

Page 276

Page 277

Page 278

Page 279

Page 280

Page 281

Page 282

Page 283

Page 284

Page 285

Page 286

Page 287

Page 288

Page 289

Page 290

Page 291

Page 292

Page 293

Page 294

Page 295

Page 296

Page 297

Page 298

Page 299

Page 300

Page 301

Page 302

Page 303

Page 304

Page 305

Page 306

Page 307

Page 308

Page 309

Page 310

Page 311

Page 312

Page 313

Page 314

Page 315

Page 316

Page 317

Page 318

Page 319

Page 320

Page 321

Page 322

Page 323

Page 324

Page 325

Page 326

Page 327

Page 328

Page 329

Page 330

Page 331

Page 332

Page 333

Page 334

Page 335

Page 336

Page 337

Page 338

Page 339

Page 340

Page 341

Page 342

Page 343

Page 344

Page 345

Page 346

Page 347

Page 348

Page 349

Page 350

Page 351

Page 352

Page 353

Page 354

Page 355

Page 356

Page 357

Page 358

Page 359

Page 360

Page 361

Page 362

Page 363

Page 364

Page 365

Page 366

Page 367

Page 368

Page 369

Page 370

Page 371

Page 372

Page 373

Page 374

Page 375

Page 376

Page 377

Page 378

Page 379

Page 380

Page 381

Page 382

Page 383

Page 384

Page 385

Page 386

Page 387

Page 388

Page 389

Page 390

Page 391

Page 392

Page 393

Page 394

Page 395

Page 396

Page 397

Page 398

Page 399

Page 400

Page 401

Page 402

Page 403

Page 404

Page 405

Page 406

Page 407

Page 408

Page 409

Page 410

Page 411

Page 412

Page 413

Page 414

Page 415

Page 416

Page 417

Page 418

Page 419

Page 420

Page 421

Page 422

Page 423

Page 424

Page 425

Page 426

Page 427

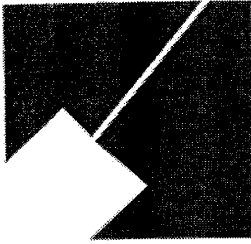
Page 42

[illegible]

For more information on this and other products, call 1-800-368-5848 or write to: **Product Information Department, 14001 13th Avenue, Channahon, IL 61615.**

Page 1 of 10
 10/10/2023 10:10 AM

[illegible]

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org**Date Mailed:** APR 26 2006**Action:** Approved Staff Recommendation**Motion** of Commissioner Perdue, seconded by Commissioner Bryant, with a vote of 4-1; Chairman Berlage and Commissioners Perdue, Bryant, and Robinson voting in favor; Commissioner Wellington voting against.**MONTGOMERY COUNTY PLANNING BOARD****OPINION**

Preliminary Plan #12002033B (formerly 1-02033B)
NAME OF PLAN: Greenway Village at Clarksburg

The date of this written opinion is APR 26 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

I. Introduction

On 5/18/05, Clarksburg Skylark LLC ("Applicant") submitted an application for the amendment of a previously approved preliminary plan of subdivision of property in the PD-4 zone. The application proposed five waivers to road standards in Montgomery County's Subdivision Regulations. The application was designated Preliminary Plan #120012233B ("Preliminary Plan"), and on January 12, 2006, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the

information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE DESCRIPTION and SURROUNDING AREA

The subject property consists of 374-acres of land located in the Clarksburg Master Plan area at the southeast quadrant of the intersection of Piedmont Road and Skylark Road. The property is zoned PD-4 and falls within the Clarksburg Special Protection Area (SPA) for the Little Seneca Creek watershed. The site is bisected by a major tributary of Little Seneca Creek.

Most of the property is currently under construction, or being graded, per previously granted approvals for residential uses. A future retail use area will remain undeveloped pending future site plan approval.

III. PREVIOUS APPROVALS

The subject preliminary plan was originally submitted on September 28, 2001. The plan proposed to create a mixed-use development consisting of residential and retail uses. The original application was brought before the Planning Board for a public hearing on February 7, 2002 and was approved for a maximum of 1,330 dwelling units (600 single family detached, 386 single family attached, and 344 multi-family units) and 89,000 square feet of retail uses. The approval was granted subject to conditions as set forth in the Opinion of the Board mailed on March 6, 2002.

Subsequent to this approval, an application for Site Plan was filed for Phases 1 and 2 of the development. The site plan included 486 dwelling units on 164 acres of the overall property and was approved by the Planning Board on September 12, 2002. This site plan approval was followed by a request to amend the approved preliminary plan. That amendment was approved by the Planning Board on October 10, 2002 with conditions as set forth in the Opinion dated November 7, 2002, including the granting of waivers for lot frontage and road centerline radii needed to permit the layout reflected in the approved Phase 1 and 2 site plan. The Planning Board approved a second site plan for Phases 3, 4 and 5 of the project on July 22, 2004. The plan included 844 dwelling units on another 210 acres of the overall tract. The conditions of approval for the site

plans are set forth in the Planning Board Opinions dated October 16, 2002 and September 28, 2004.

IV. PROPOSED PRELIMINARY PLAN AMENDMENT

The currently proposed preliminary plan amendment requests Planning Board approval of several waivers from the Subdivision Regulations, Chapter 50 of the Montgomery County Code. The waiver requests involve variation from the lot frontage and roadway design standards of the Chapter. The waivers are needed to permit the lot and roadway layout reflected in the approved Site Plan for Phases 3, 4 and 5 of the development. Although the Planning Board discussed design variations as part of the site plan approval, it was acknowledged at that time that preliminary plan amendment was needed to formally address the waivers and complete the record.

By letter dated November 18, 2005, and supplemental e-mail dated December 29, 2005, the Applicant requested five waivers from the Subdivision Regulations. Each waiver is discussed below along with staff findings and recommendations.

A. Waiver of Section 50-26(h)(3)¹ to permit sidewalk on only one side of Blue Flag Circle, a one-way tertiary street serving lots on only one side of the street.

Section 50-26(h)(3) requires sidewalks on both sides of a tertiary street unless the Planning Board waives the requirement for one or both sides of the street, based on a finding that pedestrians will be able to safely use the roadway. Staff recommended that the Board approve the waiver based on the fact that the houses are located on only one side of the proposed street, and because elimination of one sidewalk will reduce the amount of impervious surfaces within a SPA. Staff testified that the proposed sidewalk, on the side of the street fronting the proposed lots will provide safe access for pedestrians.

B. Waiver of Section 50-26(e)(3) pursuant to Section 50-38(a) to permit less than 25 foot truncation at roadway intersections.

Section 50-26(e)(3) requires corner lots at intersections to be truncated for road dedication purposes by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist, which prevent full compliance with the requirements. Staff supported the proposed waiver based upon its conclusions that (1) the proposed radius truncations, which permit houses to be located closer to the road right-of-way, facilitate the community's neo-traditional design, and (2) intersection sight distance and sign installation will not be adversely impacted by the design.

¹ All Code references to Chapter 50 of the Montgomery County Code, known as the Subdivision Regulations.

Montgomery County Department of Public Works and Transportation (DPWT) and Fire and Rescue Service (MCFRS) staff reviewed the waiver request and submitted their approval letters. Staff recommended approval of the waiver request, finding that the waiver is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

- C. Waiver of Section 50-29(a)(2) pursuant to Section 50-38(a) to permit single family detached lots 5,6 and 42/Block U; 8-11/Block FF; 16-24/Block W; 44-53/Block X; and 22, 25-28, and 31/Block R to have no frontage on a public street.

Section 50-29(a)(2) requires, except as otherwise provided in the zoning ordinance, that all single family detached lots abut a road or street which has been dedicated for public use, or which has acquired the status of a public street. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist, which prevent full compliance with the requirements. Here, practical difficulties are created by the application of this requirement to the implementation of the neo-traditional design of Greenway Village. Staff found that the proposed design best implements the intent and recommendations of the Clarksburg Master Plan by facilitating a community which has a hierarchy of streets, including a series of alleyways, with a mix of housing types and densities, along with an integration of green areas throughout the development. Staff supported the requested waiver of frontage on a public street for the subject lots in Phases 3, 4, and 5, as was previously granted for certain lots in Phases 1 and 2 of the development. The requested waiver facilitates the replacement of certain roads with green spaces that significantly reduce the amount of paving in the development, increase the areas available for treatment of stormwater runoff, and create visible open areas and gathering spaces for the community. MCFRS reviewed the alternative fire access proposed for the lots without public street frontage and determined that all the houses will be adequately served by the proposed driveways. Based on these findings, staff recommended approval of the waiver request, finding that it is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

- D. Finding, pursuant to Section 50-26(e)(1), that proposed road intersections have been designed as nearly as possible to right angles, and no waiver of this provision is required.

Section 50-26(e)(1) requires that streets be laid out so as to intersect as nearly as possible at right angles. In no instance may two new streets intersect at an angle less than seventy (70) degrees. The subject property's environmental buffer areas, which dictate curvilinear roadway configurations, prevent certain streets from intersecting at right angles. However, in no instance will an intersection angle be less than 70 degrees. MCDPS has approved the intersections from a circulation standpoint, and approvals have been granted by DPWT and MCFRS. The proposed road

intersections have been designed as nearly as possible to right angles given the environmental constraints of the site. Therefore, staff testified that the roads meet the requirements of Section 50-26(e)(1) and that a waiver of this section is not necessary.

- E. Waiver of Section 50-26(f) pursuant to Section 50-38 to permit a centerline radii of less than 100 feet on Aurora Hills Drive and Blue Flag Circle.

Section 50-26(f) states that the centerline radius for a tertiary street shall be a minimum of 100 feet. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist, which prevent full compliance with the requirements. Staff found that the request for a waiver of the required 100-foot radii for the designated streets would maintain the integrity of the neo-traditional design. To meet minimum DPWT operational requirements, the affected roadways will be signed as one-way roads, with no on-street parking. MCFRS concur with DPWT's findings that this configuration will be acceptable. Staff recommended approval of the waiver request, finding that it is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

IV. PUBLIC HEARING

Staff recommended approval of the Application in its memorandum dated December 29, 2005 ("Staff Report"). Staff discussed the previous approvals associated with this Application and the relevance of the waivers sought in this Application to the prior approvals. Staff presented its findings consistent with the Staff Report at the public hearing, recommending approval of the Preliminary Plan Amendment.

The Board questioned Staff as to the interrelationship between this Application and the Board's consideration of Phase 1 and 2. Staff clarified that the waivers in this Application affected Phases 3, 4, and 5, and that this Preliminary Plan could stand alone as an application. Commissioner Wellington questioned Staff regarding whether a site plan amendment review for Phases 3, 4, and 5 was pending and the applicability of development standards to the Application, as well as the interrelationship between development standards for this Preliminary Plan and the plans approved for Phases 1 and 2. Staff confirmed that a site plan amendment would be prepared for Phases 3, 4, and 5; that both site plans propose the same set of development standards for the entire project; and that the approved site plan indicated a height limitation of 4 stories. Staff indicated that, due to the revised method of designating height limitations in feet rather than in stores, the Board would be presented with specific heights for each type of residential unit in feet during site plan review. The Applicant further testified in rebuttal that development standards applied to the site plan, but that clarifications were required because past practice had allowed height expressed in stories and setbacks expressed graphically, rather than in a tabular format specifying the number of feet.

The Applicant appeared at the hearing represented by legal counsel, who expressed Applicant's concurrence with the Staff Report as conditioned.

Two speakers testified against aspects of the Preliminary Plan. First, the Chair of the Clarksburg Civic Association Planning Committee requested that consideration of this Application be postponed. She testified that two problems involving vehicular access had surfaced in Phases 1 and 2, expressing concern that the problems might also extend to Phases 3, 4, and 5: (1) school bus routing problems within the subdivision(s); and (2) inability of recycling trucks to access the alleyways behind the homes, requiring that recycling bins, unlike regular trash, be placed in front of the homes, creating inconvenience for owners. She asked the Board to consider several questions and undertake a full investigation before granting the requested waivers. Specifically, the speaker sought clarification of several points in the Staff Report. First, regarding the waiver of Section 50-26(e)(3) pursuant to Section 50-38(a) to permit less than a 25-foot truncation at roadway intersections, the speaker requested a quantification on the Preliminary Plan of the "theoretical property line" from which the truncation measurement is made. Second, regarding the requested waiver of Section 50-29(a)(2) pursuant to Section 50-38(a) to permit single family detached lots to have no frontage on a public street, the speaker asked for clarification of what the alleyway width behind these lots for trash and recycling pickup access. Finally, the speaker questioned what the actual centerline radius would be if the Board permitted the requested waiver of Section 50-26(f) pursuant to Section 50-38, to permit a centerline radii of less than 100 feet on Aurora Hills Drive and Blue Flag Circle.

The second speaker, a resident of the Aurora Hills neighborhood, expressed concern that school buses could not use portions of neighborhood roads, resulting in a dangerous school bus stop on Skylark Drive. He testified that the County had determined the alleyways behind the homes were insufficiently wide for recycling trucks, requiring residents to place recycling in front of the homes and discouraging recycling by residents. He also asked the Board to scrutinize the two intersections on Skylark Drive to ensure they would be safe and adequate.

The Applicant testified in rebuttal that the trash contractor was able to access alleys, while recycling is through the public streets, which consisted of a tertiary road system sufficient to accommodate the recycling truck vehicles. The Board asked Applicant to specify the width of the tertiary streets. The Applicant provided this information to the Board, noting that where active construction was ongoing, ease of vehicular access might at times be reduced, but was not indicative of the underlying sufficiency of the road structure. The Applicant testified that, with regard to the questioned intersections on Skylark Drive, required road improvements for a bridge construction were progressing and would provide adequate and safe intersections.

The Board asked Staff for clarification of the meaning of a truncation and details regarding the requested waiver of Section 50-26(e)(3) pursuant to Section 50-38(a) to

permit less than 25-foot truncation at roadway intersections. Staff explained the details of the truncation concept and submitted an illustration, which the Board requested be included in the Record as Illustration "A".

The Board questioned the Applicant regarding the speaker's concerns about the alleyway width and recycling truck access. Applicant indicated that a private contractor picks up the nonrecyclable trash, and their smaller trucks could access the alleyways behind the homes whereas the County recycling contractor's trucks used the public streets in front of the homes. The Board questioned Staff and Applicant regarding the effect of the waiver of public street frontage for certain homes on recycling pickup. Staff explained that these homeowners would need to cross the open space in front of their homes in order to leave recyclables on the public street. The Board noted that the purchasers of the properties without frontage on a public street benefited from frontage on the green space, an aspect of neotraditional community design.

Commissioner Wellington questioned Staff regarding the scheduling of Board consideration of the site plan amendment associated with the Preliminary Plan. She stated her preference that consideration of the Preliminary Plan be deferred for concurrent review with the associated site plan amendment, and ultimately voted against the majority based on these grounds.

The Board questioned Staff about the specifics of each individual waiver, including the method of illustration of the proposed waivers within the Application and Preliminary Plan documents. Staff provided details about each waiver and methods of illustration within the Preliminary Plan.

V. FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies²; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board:

- a) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-35(l), that the Preliminary Plan No. 1-12002033B substantially conforms to the Clarksburg Master Plan.
- b) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-35(k), that public facilities will be adequate to support and service the area of the proposed subdivision.

² The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- c) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-29(a)(1), that the size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.
- d) Finds that the application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) Finds that the application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) Approves the waiver of MONTGOMERY COUNTY CODE § 50-26(h)(3) to permit sidewalks on only one side of Blue Flag Circle, a one-way tertiary street serving lots on only one side of the street, based on a finding that pedestrians will be able to safely use the roadway. In so finding the Board adopts and incorporates Staff's analysis and recommendations by reference.
- g) Approves the waiver of MONTGOMERY COUNTY CODE § 50-26(e)(3) pursuant to § 50-38(a) to permit less than 25 foot truncation at roadway intersections. The Board finds that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved. The Board finds that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.
- h) Approves the waiver of MONTGOMERY COUNTY CODE § 50-29(a)(2) pursuant to § 50-38(a) to permit single family detached lots 5,6 and 42/Block U; 8-11/Block FF; 16-24/Block W; 44-53/Block X; and 22, 25-28, and 31/Block R to have no frontage on a public street. The Board finds that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved. The Board finds that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.
- i) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-26(e)(1), that the proposed streets intersecting with less than right angles will be laid out so as to intersect as nearly as possible at right angles; and thus, that a waiver of

Section 50-26(e)(1) is not required. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.

- j) Approves the waiver of MONTGOMERY COUNTY CODE § Section 50-26(f) pursuant to § 50-38(a) to permit a centerline radii of less than 100 feet on Aurora Hills Drive and Blue Flag Circle. The Board finds that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved. The Board finds that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.
- k) Finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

VI. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-12002033B in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-12002033B, including a Preliminary Water Quality Plan, and a waiver pursuant to §50-26(h)(3) to permit sidewalk on only one side of a public road, a waiver of §50-26(e)(3) pursuant to §50-38(a) to permit non-standard intersection truncations, a waiver of §50-26(f) pursuant to §50-38(a) to permit centerline radii of certain roadways to be less than 100 feet, and a waiver of §50-29(a)(2) pursuant to §50-38(a) to permit lots without frontage on a public street, in the locations shown on the preliminary plan, subject to the following conditions:

- 1) Compliance with DPWT's conditions of approval dated December 19, 2005.
- 2) All previous conditions of approval as contained in the Planning Board Opinion dated November 7, 2002 remain in full force and effect.

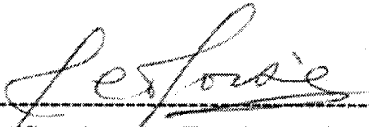
* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY
PUD 4/14/06
M-NCPPC LEGAL DEPARTMENT

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, April 20, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, with four Commissioners present, Vice Chair Perdue was necessarily absent, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan Review # 12002033B (formerly 1-02033B), Greenway Village at Clarksburg.**



Certification As To Vote of Adoption
M. Clara Moise, Technical Writer



Date Mailed: November 7, 2002

Action: Approved Staff Recommendation

**Motion of Comm. Wellington, seconded by
Comm. Robinson with a vote of 3-0;**

Comms Berlage, Robinson, and
Wellington voting in favor with
Comms. Bryant absent and Perdue
temporarily absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02033A

NAME OF PLAN: GREENWAY VILLAGE AT CLARKSBURG

On 09/20/2002, CLARKSBURG SKYLARK, L.L.C. submitted an amendment to the previously approved preliminary plan application in the PD-4 zone. The previous application proposed to create 1330 units (600 single family detached, 386 single family attached, 344 multi-family units and 89,000 square feet of retail) on 374.08 acres of land. The application was designated Preliminary Plan 1-02033A. On 10/10/02, Preliminary Plan 1-02033A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02033A to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02033A.

Approval of Preliminary Plan, Pursuant to the FY 2002 Annual Growth Policy for Ceiling Flexibility for Developer Participation Projects, and Including a Preliminary Water Quality Plan, and Waiver of Street Frontage Pursuant to Section 50-29(a)(2), and Waiver of Minimum Radii Pursuant to Section 50-26(f), Subject to the Following Conditions:

- 1) Compliance with the conditions of approval of the January 31, 2002, Transportation Planning memorandum which includes the following conditions:
 - I. Total development under this preliminary plan application is limited to the following uses and density:
 - 1,330 dwelling units
 - 89,000 square feet of retail space
 - 2,000 square feet of community space
 - II. To satisfy Policy Area Transportation Review (PATR)
 - a. The applicant shall participate in widening MD 27; (1) to six through travel lanes from Observation Drive in Germantown through the Brink Road intersection, (2) to six through travel lanes through the A-305 intersection; and including dedication of 120' right-of-way, 60' from the centerline, along the site frontage.

This improvement along MD 27 is consistent with the master plan recommendation. If, after master dedication along the west side of MD 27, sufficient right-of-way is not available for the proposed widening, the applicant has to either acquire additional right-of-way on the east side of MD 27 or dedicate additional right-of-way and widen MD 27 on their development side.

- b. The applicant shall dedicate on-site portions and participate in construction Relocated Newcut Road (A-302) as a two lane divided arterial or business district roadway between MD 27 and the A-305 intersection and as a four lane divided arterial roadway between A-305 and MD 355.
 - c. The applicant shall participate in constructing A-305 as a four lane divided arterial roadway between MD 27 and Stringtown Road.
 - d. The applicant shall dedicate and participate in constructing Foreman Boulevard as a two lane arterial roadway from its current terminus at Timber Creek Lane to A-305.
- III. To satisfy Local Area Transportation Review (LATR)
- a. The applicant shall participate in construction a second left-turn lane from northbound MD 355 to westbound MD 27.
 - b. The applicant shall participate in constructing additional turn/approach on MD 27 and Brink Road at the intersection of MD 27/Brink Road.
 - c. The applicant shall participate in providing a separate left-turn lane from southbound MD 355 to eastbound Brink Road as a separate left-turn lane from westbound Brink Road to southbound MD 355.
 - d. The applicant shall widen existing Skylark Road by four to six feet, for a total roadway width of 24 feet, from Piedmont Road to the Greenway and construct Relocate Skylark Road from the Greenway to MD 27, including a five-foot sidewalk on the south side.
- IV. The applicant shall agree that the roadway improvement listed as conditions of approval are under construction in accordance with the phasing of road improvements for Clarksburg/DiMaio development as described in David D. Berward Rafferty's letter dated August 05, 2002 and confirmed in Transportation Planning's letter date August 22, 2002. The locations of the above roadway improvements (except for condition 3d_ are shown in the attached Exhibit 1.
- V. The applicant shall construct a roundabout on A-302 at Street "P3-Q".
- VI. The applicant shall construct A-302 as a business district street between A-305 and the roundabout in accordance with DPWT Standard No. MC-219.02, and as a two lane arterial street between the roundabout and MD 27 in accordance with DPWT Standard No. MC-213.04."
- VII. The issuance of building permits is predicated on the applicant participating with Preliminary Plan No. 1-01030 Clarksburg Village. The total number of building permits that may be granted for the combined projects shall be limited as follows:
- a) MD27-Observation Drive to MD 355 plus turn lane on MD 355 to westbound MD 27- 700 Dwelling units

- b) MD 27- MD 355 to Brink Road plus turn at MD 27/Brink Road – 700 Dwelling units
- c) MD 27-Brink Road to A-305 plus turn Lanes at MD 355/Brink – 600 dwelling units

On-Site Improvements

- a) -305: Stringtown Road to Forman Boulevard, Forman Boulevard: MD 355 to A-305 - 500 Dwelling units
- b) A-305: Forman Boulevard to A-302
- c) A-302: MD 27 to A-305 - 500 Dwelling units
- d) A-305: MD 27to A-302 - 500 Dwelling units
- e) A-302: A-305 to MD 355 - Remaining Residential/Retail/Commercial

- 2) Prior to Planning Board review of a Site Plan applicant shall submit an "Infrastructure Plan" for Planning Board review. The plan shall include the following:
 - a. Location and types of stormwater management facilities for quality and quantity controls that comply with the conditions of MCDPS' preliminary water quality plan
 - b. Delineate bike and pedestrian access pathways including all at grade and below grade crossings along all road rights of way and at stream crossings
 - c. All roadway networks including both private and public connections, streetscape, lighting, sidewalks and paving materials
 - d. Delineation of "Greenway" and other open space areas including all environmental buffers
 - e. School sites and Park dedication sites
 - f. Recreation guideline concept plan
 - g. Proposed schedule for clearing and grading of site
- 3) No clearing, grading, unless designated on the "Infrastructure Plan" and no recording of plats prior to site plan enforcement agreement approval
- 4) Compliance with the conditions of the Revised Preliminary Water Quality Plan approval letter, dated, January 30, 2002, from the Montgomery County Department of Permitting Service
- 5) Compliance with the conditions of the Preliminary Forest Conservation Plan. Conditions must be satisfied prior to recordation of plat(s) or MCDPS issuance of sediment and erosion control permits
- 6) Access and improvement as outlined in MCDPWT letter dated January 31, 2002
- 7) Access and improvements as outlined in MDSHA letter dated, November 6, 2001
- 8) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Clarksburg Master Plan, unless otherwise designated on the preliminary plan
- 9) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes or as approved by MCDPWT
- 10) Abandonment of unused portion of Skylark Road to be approved, by appropriate agency, subsequent to construction and release of relocated Skylark Road to Montgomery County
- 11) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation

- 12) Record plat to provide for dedication of local road network as outlined in conditions #1, #6 and #7 above and depicted on the approved preliminary plan
- 13) Record plat to reflect common ingress/egress easements over all shared access locations
- 14) Record plat to reflect note limiting uses of dedicated school site to school construction or park use only
- 15) Prior to record plat, dedication to M-NCPPC, the following areas as outlined in January 31, 2002 Park Planning and Resource Analysis Unit memo:
 - Area identified as "Park 6" as shown on plan, to be an area with a minimum 600 ft. width with adequate area outside of stream buffer to accommodate the needed Greenway trails
 - Land north of relocated Skylark Road and Street P3-A adjacent to Ovid Hazen Wells. Not to include stormwater ponds of swimming pool facility areas.
 - Areas identified "Park 1" and "Park 9" and "Park 12" as shown on plan
- 16) Construction of two (2) full size baseball fields, one (1) full size basketball court, one (1) multi-age playground and an adequately sized parking lot by applicant within "park 12". Facilities to be constructed to park standards and layout to be coordinated with M-NCPPC staff at Site Plan. It is noted that this park is part of a pending application for the Clarksburg/Skylark Development District
- 17) Dedication of the proposed Middle School site west of Ridge Rd. (MD 27) to Montgomery County Public Schools
- 18) The school site will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate in accordance with Montgomery County Public School standards
- 19) Phasing of dedication of the school site and park sites shall be incorporated as part of the phasing schedule included with Site Plan approval
- 20) Applicant to construct eight (8) foot wide master plan paved, mixed use trail within the Clarksburg Greenway as approved by the Site Plan
- 21) Final approval of the number and location of buildings, including location of multi-family dwelling units and design of commercial center to be determined at Site Plan
- 22) Final alignment, design and landscaping of trails, greenway trails and entrance features to be determined at Site Plan
- 23) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 24) Final number of MPDU's to be determined at the time of site plan dependent on Condition # 20 above
- 25) Waiver of over length cul-de-sac and appropriate sidewalk waivers to be reviewed and approved at Site Plan
- 26) This preliminary plan will remain valid until February 7, 2014 and shall be phased for recordation of lots as follows:
 1. Phase One: 350 lots by February 7, 2005
 2. Phase Two: 700 lots by February 7, 2008
 3. Phase Three: 1050 lots by February 7, 2011
 4. Phase Four: All remaining lots by February 7, 2014

Prior to the expiration period, the final record plat for all remaining lots within each phase must be recorded, or a request for an extension must be filed
- 27) Other necessary easements

APPROVED BY COURT PLANNING BOARD
FILE NO. 05-047
MONITORING COURT PLANNING BOARD
9/11/06
CHRYSTAL ENO DEBATES
DMLZ

RECEIVED
SEP 7 2006
DEVELOPMENT REVIEW

VICINITY MAP
 SHOWS: CO MAP PAGE 100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200

LEGEND

- TREE PROTECTION BUFFER
- STREAM VALLEY BUFFER
- 100' TREE FLOODPLAIN
- WETLANDS
- WETLAND BUFFER
- PROPOSED TREE LINE
- MAJOR ROAD LOCATION
- HIGHWAY
- STREET LIGHT LOCATION
- PROPOSED STREET LIGHT
- FIRE HYDRANT LOCATION
- TREE PROTECTION BUFFER
- TREE LINE (TYPICAL #1)
- 3' SIDE FENCE (TYPICAL #1)
- 3' SIDE FENCE (TYPICAL #2)
- 3' SIDE FENCE (TYPICAL #3)
- 3' SIDE FENCE (TYPICAL #4)
- 3' SIDE FENCE (TYPICAL #5)
- 3' SIDE FENCE (TYPICAL #6)
- 3' SIDE FENCE (TYPICAL #7)
- 3' SIDE FENCE (TYPICAL #8)
- 3' SIDE FENCE (TYPICAL #9)
- 3' SIDE FENCE (TYPICAL #10)
- 3' SIDE FENCE (TYPICAL #11)
- 3' SIDE FENCE (TYPICAL #12)
- 3' SIDE FENCE (TYPICAL #13)
- 3' SIDE FENCE (TYPICAL #14)
- 3' SIDE FENCE (TYPICAL #15)
- 3' SIDE FENCE (TYPICAL #16)
- 3' SIDE FENCE (TYPICAL #17)
- 3' SIDE FENCE (TYPICAL #18)
- 3' SIDE FENCE (TYPICAL #19)
- 3' SIDE FENCE (TYPICAL #20)
- 3' SIDE FENCE (TYPICAL #21)
- 3' SIDE FENCE (TYPICAL #22)
- 3' SIDE FENCE (TYPICAL #23)
- 3' SIDE FENCE (TYPICAL #24)
- 3' SIDE FENCE (TYPICAL #25)
- 3' SIDE FENCE (TYPICAL #26)
- 3' SIDE FENCE (TYPICAL #27)
- 3' SIDE FENCE (TYPICAL #28)
- 3' SIDE FENCE (TYPICAL #29)
- 3' SIDE FENCE (TYPICAL #30)
- 3' SIDE FENCE (TYPICAL #31)
- 3' SIDE FENCE (TYPICAL #32)
- 3' SIDE FENCE (TYPICAL #33)
- 3' SIDE FENCE (TYPICAL #34)
- 3' SIDE FENCE (TYPICAL #35)
- 3' SIDE FENCE (TYPICAL #36)
- 3' SIDE FENCE (TYPICAL #37)
- 3' SIDE FENCE (TYPICAL #38)
- 3' SIDE FENCE (TYPICAL #39)
- 3' SIDE FENCE (TYPICAL #40)
- 3' SIDE FENCE (TYPICAL #41)
- 3' SIDE FENCE (TYPICAL #42)
- 3' SIDE FENCE (TYPICAL #43)
- 3' SIDE FENCE (TYPICAL #44)
- 3' SIDE FENCE (TYPICAL #45)
- 3' SIDE FENCE (TYPICAL #46)
- 3' SIDE FENCE (TYPICAL #47)
- 3' SIDE FENCE (TYPICAL #48)
- 3' SIDE FENCE (TYPICAL #49)
- 3' SIDE FENCE (TYPICAL #50)
- 3' SIDE FENCE (TYPICAL #51)
- 3' SIDE FENCE (TYPICAL #52)
- 3' SIDE FENCE (TYPICAL #53)
- 3' SIDE FENCE (TYPICAL #54)
- 3' SIDE FENCE (TYPICAL #55)
- 3' SIDE FENCE (TYPICAL #56)
- 3' SIDE FENCE (TYPICAL #57)
- 3' SIDE FENCE (TYPICAL #58)
- 3' SIDE FENCE (TYPICAL #59)
- 3' SIDE FENCE (TYPICAL #60)
- 3' SIDE FENCE (TYPICAL #61)
- 3' SIDE FENCE (TYPICAL #62)
- 3' SIDE FENCE (TYPICAL #63)
- 3' SIDE FENCE (TYPICAL #64)
- 3' SIDE FENCE (TYPICAL #65)
- 3' SIDE FENCE (TYPICAL #66)
- 3' SIDE FENCE (TYPICAL #67)
- 3' SIDE FENCE (TYPICAL #68)
- 3' SIDE FENCE (TYPICAL #69)
- 3' SIDE FENCE (TYPICAL #70)
- 3' SIDE FENCE (TYPICAL #71)
- 3' SIDE FENCE (TYPICAL #72)
- 3' SIDE FENCE (TYPICAL #73)
- 3' SIDE FENCE (TYPICAL #74)
- 3' SIDE FENCE (TYPICAL #75)
- 3' SIDE FENCE (TYPICAL #76)
- 3' SIDE FENCE (TYPICAL #77)
- 3' SIDE FENCE (TYPICAL #78)
- 3' SIDE FENCE (TYPICAL #79)
- 3' SIDE FENCE (TYPICAL #80)
- 3' SIDE FENCE (TYPICAL #81)
- 3' SIDE FENCE (TYPICAL #82)
- 3' SIDE FENCE (TYPICAL #83)
- 3' SIDE FENCE (TYPICAL #84)
- 3' SIDE FENCE (TYPICAL #85)
- 3' SIDE FENCE (TYPICAL #86)
- 3' SIDE FENCE (TYPICAL #87)
- 3' SIDE FENCE (TYPICAL #88)
- 3' SIDE FENCE (TYPICAL #89)
- 3' SIDE FENCE (TYPICAL #90)
- 3' SIDE FENCE (TYPICAL #91)
- 3' SIDE FENCE (TYPICAL #92)
- 3' SIDE FENCE (TYPICAL #93)
- 3' SIDE FENCE (TYPICAL #94)
- 3' SIDE FENCE (TYPICAL #95)
- 3' SIDE FENCE (TYPICAL #96)
- 3' SIDE FENCE (TYPICAL #97)
- 3' SIDE FENCE (TYPICAL #98)
- 3' SIDE FENCE (TYPICAL #99)
- 3' SIDE FENCE (TYPICAL #100)

1. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 2. Address: <u>Washington, D. C.</u> 3. City: <u>Washington</u> 4. State: <u>D. C.</u> 5. Zip: <u>20535</u> 6. Date: <u>10/10/68</u> 7. Time: <u>10:10</u> 8. Page: <u>1</u>	9. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 10. Address: <u>Washington, D. C.</u> 11. City: <u>Washington</u> 12. State: <u>D. C.</u> 13. Zip: <u>20535</u> 14. Date: <u>10/10/68</u> 15. Time: <u>10:10</u> 16. Page: <u>1</u>	17. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 18. Address: <u>Washington, D. C.</u> 19. City: <u>Washington</u> 20. State: <u>D. C.</u> 21. Zip: <u>20535</u> 22. Date: <u>10/10/68</u> 23. Time: <u>10:10</u> 24. Page: <u>1</u>	25. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 26. Address: <u>Washington, D. C.</u> 27. City: <u>Washington</u> 28. State: <u>D. C.</u> 29. Zip: <u>20535</u> 30. Date: <u>10/10/68</u> 31. Time: <u>10:10</u> 32. Page: <u>1</u>	33. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 34. Address: <u>Washington, D. C.</u> 35. City: <u>Washington</u> 36. State: <u>D. C.</u> 37. Zip: <u>20535</u> 38. Date: <u>10/10/68</u> 39. Time: <u>10:10</u> 40. Page: <u>1</u>	41. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 42. Address: <u>Washington, D. C.</u> 43. City: <u>Washington</u> 44. State: <u>D. C.</u> 45. Zip: <u>20535</u> 46. Date: <u>10/10/68</u> 47. Time: <u>10:10</u> 48. Page: <u>1</u>	49. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 50. Address: <u>Washington, D. C.</u> 51. City: <u>Washington</u> 52. State: <u>D. C.</u> 53. Zip: <u>20535</u> 54. Date: <u>10/10/68</u> 55. Time: <u>10:10</u> 56. Page: <u>1</u>	57. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 58. Address: <u>Washington, D. C.</u> 59. City: <u>Washington</u> 60. State: <u>D. C.</u> 61. Zip: <u>20535</u> 62. Date: <u>10/10/68</u> 63. Time: <u>10:10</u> 64. Page: <u>1</u>	65. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 66. Address: <u>Washington, D. C.</u> 67. City: <u>Washington</u> 68. State: <u>D. C.</u> 69. Zip: <u>20535</u> 70. Date: <u>10/10/68</u> 71. Time: <u>10:10</u> 72. Page: <u>1</u>	73. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 74. Address: <u>Washington, D. C.</u> 75. City: <u>Washington</u> 76. State: <u>D. C.</u> 77. Zip: <u>20535</u> 78. Date: <u>10/10/68</u> 79. Time: <u>10:10</u> 80. Page: <u>1</u>	81. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 82. Address: <u>Washington, D. C.</u> 83. City: <u>Washington</u> 84. State: <u>D. C.</u> 85. Zip: <u>20535</u> 86. Date: <u>10/10/68</u> 87. Time: <u>10:10</u> 88. Page: <u>1</u>	89. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 90. Address: <u>Washington, D. C.</u> 91. City: <u>Washington</u> 92. State: <u>D. C.</u> 93. Zip: <u>20535</u> 94. Date: <u>10/10/68</u> 95. Time: <u>10:10</u> 96. Page: <u>1</u>	97. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 98. Address: <u>Washington, D. C.</u> 99. City: <u>Washington</u> 100. State: <u>D. C.</u> 101. Zip: <u>20535</u> 102. Date: <u>10/10/68</u> 103. Time: <u>10:10</u> 104. Page: <u>1</u>	105. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 106. Address: <u>Washington, D. C.</u> 107. City: <u>Washington</u> 108. State: <u>D. C.</u> 109. Zip: <u>20535</u> 110. Date: <u>10/10/68</u> 111. Time: <u>10:10</u> 112. Page: <u>1</u>	113. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 114. Address: <u>Washington, D. C.</u> 115. City: <u>Washington</u> 116. State: <u>D. C.</u> 117. Zip: <u>20535</u> 118. Date: <u>10/10/68</u> 119. Time: <u>10:10</u> 120. Page: <u>1</u>	121. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 122. Address: <u>Washington, D. C.</u> 123. City: <u>Washington</u> 124. State: <u>D. C.</u> 125. Zip: <u>20535</u> 126. Date: <u>10/10/68</u> 127. Time: <u>10:10</u> 128. Page: <u>1</u>	129. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 130. Address: <u>Washington, D. C.</u> 131. City: <u>Washington</u> 132. State: <u>D. C.</u> 133. Zip: <u>20535</u> 134. Date: <u>10/10/68</u> 135. Time: <u>10:10</u> 136. Page: <u>1</u>	137. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 138. Address: <u>Washington, D. C.</u> 139. City: <u>Washington</u> 140. State: <u>D. C.</u> 141. Zip: <u>20535</u> 142. Date: <u>10/10/68</u> 143. Time: <u>10:10</u> 144. Page: <u>1</u>	145. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 146. Address: <u>Washington, D. C.</u> 147. City: <u>Washington</u> 148. State: <u>D. C.</u> 149. Zip: <u>20535</u> 150. Date: <u>10/10/68</u> 151. Time: <u>10:10</u> 152. Page: <u>1</u>	153. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 154. Address: <u>Washington, D. C.</u> 155. City: <u>Washington</u> 156. State: <u>D. C.</u> 157. Zip: <u>20535</u> 158. Date: <u>10/10/68</u> 159. Time: <u>10:10</u> 160. Page: <u>1</u>	161. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 162. Address: <u>Washington, D. C.</u> 163. City: <u>Washington</u> 164. State: <u>D. C.</u> 165. Zip: <u>20535</u> 166. Date: <u>10/10/68</u> 167. Time: <u>10:10</u> 168. Page: <u>1</u>	169. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 170. Address: <u>Washington, D. C.</u> 171. City: <u>Washington</u> 172. State: <u>D. C.</u> 173. Zip: <u>20535</u> 174. Date: <u>10/10/68</u> 175. Time: <u>10:10</u> 176. Page: <u>1</u>	177. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 178. Address: <u>Washington, D. C.</u> 179. City: <u>Washington</u> 180. State: <u>D. C.</u> 181. Zip: <u>20535</u> 182. Date: <u>10/10/68</u> 183. Time: <u>10:10</u> 184. Page: <u>1</u>	185. Name of the person or organization: <u>Mr. J. Edgar Hoover</u> 186. Address: <u>Washington, D. C.</u> 187. City: <u>Washington</u> 188. State
---	--	---	---	---	---	---	---	---	---	---	---	--	---	---	---	---	---	---	---	---	---	---	---

DATE	TIME	LOCATION	WIND	SEA	TEMP	DEPTH	REMARKS
1964	0000	1000	000	000	000	000	000
1964	0100	1000	000	000	000	000	000
1964	0200	1000	000	000	000	000	000
1964	0300	1000	000	000	000	000	000
1964	0400	1000	000	000	000	000	000
1964	0500	1000	000	000	000	000	000
1964	0600	1000	000	000	000	000	000
1964	0700	1000	000	000	000	000	000
1964	0800	1000	000	000	000	000	000
1964	0900	1000	000	000	000	000	000
1964	1000	1000	000	000	000	000	000
1964	1100	1000	000	000	000	000	000
1964	1200	1000	000	000	000	000	000
1964	1300	1000	000	000	000	000	000
1964	1400	1000	000	000	000	000	000
1964	1500	1000	000	000	000	000	000
1964	1600	1000	000	000	000	000	000
1964	1700	1000	000	000	000	000	000
1964	1800	1000	000	000	000	000	000
1964	1900	1000	000	000	000	000	000
1964	2000	1000	000	000	000	000	000
1964	2100	1000	000	000	000	000	000
1964	2200	1000	000	000	000	000	000
1964	2300	1000	000	000	000	000	000
1964	2400	1000	000	000	000	000	000

[illegible][illegible]

ENGINEERS' CERTIFICATION AND SEAL

THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER HEREBY CERTIFIES THAT THE DRAWINGS CONFORM TO THE STANDARDS OF THE BOARD OF PLANNING AND ZONING RESOLUTION NO. 1000, AND THE PROVISIONS OF THE ZONING ORDINANCE.

DATE: 9-7-06

Signature: [Handwritten Signature]

NO. 27715

Seal: OFFICE OF THE ENGINEER, STATE OF MARYLAND, PROFESSIONAL ENGINEER, JOHN J. [Handwritten Name]

[illegible][illegible]

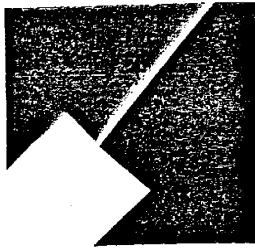
This plan should not be used as a legal document for representation of bearings, distances, lot square footages and easements. For recorded information, please see record plats or applicable recorded documents.

SHEET 1 -	SHEET INDEX
SHEET 2 -	SITE PLAN CONR SHEET
SHEET 1A -	SITE PLAN RESOLUTION
SHEET 1B -	LOT AREAS, S.P.E.A. DEVELOPMENT PROGRAM, INSPECTION SCHEDULE AND PHASING.
SHEET 1C -	PHASE 3, 4 & 5 CHANGES
SHEET 2 -	SITE PLAN - 30 SCALE (PH. 4)
SHEET 3 -	SITE PLAN - 30 SCALE (PH. 4)
SHEET 4 -	SITE PLAN - 30 SCALE (PH. 3)
SHEET 5 -	SITE PLAN - 30 SCALE (PH. 3)
SHEET 6 -	SITE PLAN - 30 SCALE (PH. 3)
SHEET 7 -	SITE PLAN - 30 SCALE (PH. 3)
SHEET 8 -	SITE PLAN - 30 SCALE (PH. 3)
SHEET 9 -	SITE PLAN - 30 SCALE (PH. 3)
SHEET 10 -	SITE PLAN - 30 SCALE (PH. 3)
SHEET 11 -	SITE PLAN - 30 SCALE (PH. 3)
SHEET 12 -	SITE PLAN - 30 SCALE (PH. 4)
SHEET 13 -	SITE PLAN - 30 SCALE (PH. 4)
SHEET 14 -	SITE PLAN - 30 SCALE (PH. 4)
SHEET 15 -	SITE PLAN - 30 SCALE (PH. 4)
SHEET 16 -	SITE PLAN - 30 SCALE (PH. 4)
SHEET 17 -	SITE PLAN - 30 SCALE (PH. 5)
SHEET 18 -	SITE PLAN - 30 SCALE (PH. 5)
SHEET 19 -	SITE PLAN - 30 SCALE (PH. 5)
SHEET 20 -	SITE PLAN - 30 SCALE (PH. 5)
SHEET 21 -	SITE PLAN - 30 SCALE (PH. 5)
SHEET 22 -	SITE PLAN - 30 SCALE (PH. 5)
SHEET 23 -	PERMITS SHEET TYPE LAOUM
SHEET 24 -	CONTRACT, WATER QUALITY LETTERS AND FINAL WATER QUALITY LETTERS
SHEET 25 -	HEIGHT AND SETBACK EXHIBIT

This plan should not be used as a legal document for representation of bearings, distances, lot square footages and statements. For recorded information, please use record plats or amicable recorded documents.

[illegible]

This plan should not be used as a legal document for representation of bearings, distances, lot square footages and easements. For recorded information, please see record plats or applicable recorded documents.



MCPB No. 06-57 AUG 09 2006
Site Plan No. 82004022A
Greenway Village - Phases 3, 4, 5

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code ("Code") Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is required to review site plan applications; and

WHEREAS, pursuant to Code Section 59-D-3.4(b), following a public hearing on the application, the Planning Board must, by resolution, approve, approve with conditions or disapprove a proposed site plan; and

WHEREAS, Code Section 59-D-3.4(b) defines the required contents of a Planning Board resolution regarding a site plan; and

WHEREAS, the Planning Board, in reaching its decision on a site plan, must determine that the site plan meets all the requirements of Code Section 59-D-3.4(c); and

WHEREAS, on July 15, 2005, Clarksburg Skylark, LLC ("Applicant") filed an application for amendment of a site plan for a maximum of 844 dwelling units, of which 118 are Moderately Priced Dwelling Units (MPDUs), including 276 one-family detached dwelling units, 320 townhouse dwelling units, and 248 multi-family dwelling units, on 209.27 gross acres of PD-4-zoned land ("Site Plan") in the vicinity of the intersection of Skylark and Newcut Roads and west of Ridge Road within the Newcut Road Neighborhood of the Clarksburg Master Plan area ("Property" or "Subject Property"); and

WHEREAS, on February 7, 2002, the Planning Board approved Preliminary Plan No. 120020330 (formerly 1-02033) for the proposed development; and

WHEREAS, on October 10, 2002, the Planning Board approved Preliminary Plan No. 12002033A (formerly 1-02033A) as an amendment to Preliminary Plan No. 120020330 for the proposed development; and

WHEREAS, on July 22, 2004, the Planning Board approved Site Plan No. 820040220 (formerly 8-04022) for the proposed development; and

WHEREAS, the Applicant's site plan amendment application was designated Site Plan No. 82004022A, Greenway Village - Phases 3, 4, 5 (the "Amendment"); and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other governmental agencies, on June 8, 2006, Staff presented the Amendment to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, prior to the Hearing, on May 26, 2006, Staff had issued a memorandum to the Board setting forth its analysis and recommendation for approval of the Amendment subject to certain conditions ("Staff Report"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record ("Record") on the Amendment and approved the Amendment on the motion of Commissioner Robinson, seconded by Commissioner Bryant, with Chairman Berlage and Commissioners Bryant and Robinson voting in favor of the motion, Commissioner Wellington voting against the motion, and Commissioner Perdue being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 82004022A for a maximum of 844 dwelling units, of which 118 are MPDUs, including 276 one-family detached dwelling units, 320 townhouse dwelling units, and 248 multi-family dwelling units, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan No. 12002033A for Greenway Village at Clarksburg listed in the Planning Board opinion dated November 7, 2002, and with any subsequent preliminary plan amendments.

2. Fire and Rescue Services

The development shall conform to changes mandated by the Montgomery County Fire and Rescue Service in accordance with the memorandum dated December 30, 2005.

3. Development Program

The Development Program and Site Plan Enforcement Agreement approved for Site Plan No. 820040220 shall be amended by the Applicant and reviewed and approved by Staff prior to approval of the Certified Site Plan. The Applicant shall construct the development in accordance with the amended and approved Development Program and the amended and approved Site Plan Enforcement Agreement.

The amended and approved Development Program must include the following phasing schedule:

- a. Street trees shall be planted as street construction is completed, but no later than six months after completion of units adjacent to that street.
- b. Community-wide pedestrian pathways shall be completed or bonded prior to the issuance of the 676th building permit.
- c. Recreation facilities shall be completed prior to the issuance of the 676th building permit.
- d. Landscaping associated with open spaces and streets shall be completed as construction of adjacent homes is completed.
- e. Pedestrian pathways and seating areas associated with each recreation area shall be completed as construction of adjacent homes is completed.
- f. Right-of-way and other dedications, stormwater management facilities, sediment and erosion control plans, recreation areas, community and other paths, and other features shall be completed as approved.

4. Certified Site Plan

The Applicant shall submit a Certified Site Plan that reflects the conditions of approval contained in this Site Plan No. 82004022A. The Certified Site Plan must include landscape and lighting plans, forest conservation plans, and sediment and erosion control plans. The Certified Site Plan must:

- a. Include the data table approved with Site Plan No. 82004022A, setting out the development standards for the proposed development, including the area under development; the number of dwelling units; the minimum lot areas for each housing type; front, side, and rear yard setbacks; lot coverage; and building heights, which must be delineated in feet.
- b. Include a Height and Setback Exhibit that will be the formal mechanism for determining which units may exceed 35 feet for one-family detached units, 40 feet for townhouses, and 40 feet for 2-over-2 multifamily units. This Exhibit shall also indicate for each unit the point from which height will be measured, as approved by the Planning Board.
- c. Provide the size in square feet for each lot depicted on the Certified Site Plan.
- d. Provide a development program, inspection schedule, and amended Site Plan Enforcement Agreement for approval by M-NCPPC staff.
- e. Show limits of disturbance.
- f. Indicate methods and locations of tree protection.
- g. Include a note stating that M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- h. Ensure that outfalls are located away from tree preservation areas.

5. Environmental Planning

The Applicant shall:

- a. Comply with the conditions of the Final Forest Conservation Plan approved on October 7, 2005. The Applicant must satisfy all conditions of the Final Forest Conservation Plan before recording plats or receiving sediment and erosion control permits from the Montgomery County Department of Permitting Services (DPS).
- b. Comply with the conditions of the Final Water Quality Plan approved concurrently with Site Plan No. 820040220 on July 22, 2004.
- c. Show on all relevant record plats a Category I conservation easement over all stream buffers and forest conservation areas.

- d. Consider first priority for reforestation to be areas within the same watershed as the development and within the Clarksburg Special Protection Area (SPA); second priority to be areas only within the Clarksburg SPA; and third priority to be areas within the same watershed as the development but outside the SPA. If no planting sites are available in a priority location, the Applicant may use the fee-in-lieu option to meet offsite planting requirements.
- e. Begin reforestation of stream buffer areas in the first planting season after DPS issues the first grading permit.
- f. Obtain Planning Board approval of encroachment into stream buffers for stormwater management or sediment control facilities, except for necessary outfalls and temporary sediment control facilities in non-forested stream buffers. If later review of facility design shows that a facility is improperly sized and must be enlarged to accommodate proposed drainage areas, the Applicant must find the needed additional space outside of stream buffers, even if facilities must be reconfigured and developable areas lost as a result.
- g. Prepare and submit a complete noise analysis that identifies the 60 dbA and 65 dbA Ldn noise contours and indicates the method necessary to attenuate exterior noise levels to 60 dbA for the usable portion of residential lots.
- h. Certify, using an engineering firm experienced in acoustical analysis, that the building shell for residential units that will be built inside the unmitigated 60 dbA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level that does not exceed 45 dbA Ldn. An acoustical engineering firm must certify that any revision meets the aforementioned requirements, and Environmental Planning staff must approve any such revision prior to its implementation.
- i. Conduct an outdoor-to-indoor noise analysis, after completion of residential units and before occupancy, to ensure that the 45 dbA Ldn interior noise level has been achieved for residential units inside the unmitigated 60 dbA Ldn noise contour. The Applicant must submit the results of each analysis to Environmental Planning staff.
- j. Disclose in writing to prospective purchasers of all residential dwelling units inside the unmitigated 60 dbA Ldn noise contour that existing and future highway noise will have an impact on the unit. To meet this requirement, the notification shall be included in at least one of the

following: sales contracts on display in any sales-related office, homeowners association documents, subdivision plans and site plans, or Deeds of Conveyance.

6. Parks

The Applicant shall apply for and receive construction permits from the Parks Department prior to beginning construction of park facilities. The Applicant also shall:

- a. Dedicate to M-NCPPC the areas identified on the Certified Site Plan as Park 6, Park 11, and Park 19. The dedication of Park 6 and Park 11 must not include any stormwater management ponds or facilities. The dedicated areas must be conveyed at the time plats are recorded for project areas including the parks, adjacent roads, and lots. The dedicated property must be conveyed free of trash and unnatural debris. All boundaries must be adequately staked and signed to delineate private property from parkland.
- b. Engineer and construct the master planned eight foot wide, hard surface Greenway Trail from the southern boundary of Park 6, through the parkland along the east side of the tributary to Little Seneca Creek, to the intersection of Skylark Road and Arora Hills Drive. The trail is to cross Skylark Road at this intersection and continue along the alignment of the original Skylark Road and connect with trails in Ovid Hazen Wells Recreational Park. The exact location of the trail alignment and construction specifications must be coordinated with and approved by Planning Department and Parks Department staff in compliance with Special Protection Area guidelines. The trail is to connect at its southern end with the Greenway Trail being constructed in connection with the Clarksburg Village development project.
- c. Engineer and construct an eight foot wide, hard surface trail through Park 6 between Cypress Spring Road and the Greenway Trail, with a connection to Arora Hills Drive. This trail shall include a bridge and boardwalk as determined by Planning Department and Parks Department staff in compliance with Special Protection Area guidelines. This trail must be built to park standards and specifications and must include adequate signage.
- d. Engineer and construct, to park standards and specifications, the following Local Park facilities and amenities in the dedicated Park 19 and adjacent areas now part of Ovid Hazen Wells Recreational Park:

- i. One adult sized baseball field and one adult sized softball field with appropriate fencing, backstops, benches, grading, seeding, and landscaping as determined by Parks Department staff to meet park field standards and specifications. The exact size of the baseball fields will be determined by Parks Department staff.
- ii. One adult sized basketball court, at least 56 feet by 92 feet, with poles, backboards, hoops, nets, court surfacing, and benches, as determined by Parks Department staff to meet park field standards and specifications.
- iii. Two picnic shelters each of sufficient size to accommodate at least four picnic tables. Four picnic tables must be installed in each shelter.
- iv. A centrally located water line with a diameter of at least 1.5 inches and hose/irrigation system connections from said water line to each field. The Applicant shall install a drinking fountain at a central location and coordinate location of the irrigation system connection and the drinking fountain with Parks Department staff.
- v. Raised grass berms at locations to be determined by Parks Department staff.
- vi. A multi-age play area, with equipment, multi-height pergola, structures, and seating to be determined by Parks Department staff.
- vii. A centrally located linear grass mall or green boulevard with paved walkways on both sides, seating, decorative stamped or colored concrete paving areas, bollards and/or stone piers, and a central feature or features, such as a pavilion, kiosk or other visual focus. The choice and details of structures and features shall be determined by Parks Department staff in compliance with Special Protection Area guidelines.
- viii. A curved parking lot with tree islands interspersed throughout and with curbs and wheel stops of types to be determined by Parks Department staff.
- ix. Concrete pads for portable toilets at locations and in sizes to be determined by Parks Department staff.

- x. Landscaping, benches, seating areas, curbs, bollards, bike racks, trails, walls, and fencing throughout the park as determined by Parks Department staff to be necessary to meet park users' needs and create an aesthetically pleasing park experience.
- e. Provide engineering for Local Park site grading, construction and necessary stormwater management facilities. Engineering and design plans for the grading and construction of the Local Park and its facilities must be approved by Parks Department staff. Grading must avoid stream buffers and sensitive resources as deemed necessary by Parks Department staff and comply with Special Protection Area guidelines. Grading must be engineered to avoid slopes greater than 3:1 unless otherwise approved by Parks Department staff.
- f. Begin Local Park construction before work begins on any of the 39 dwelling units located on Arora Hills Drive and Yellowwood Drive and adjacent to the park. All park facilities and amenities must be of a style, design, quality, and location acceptable to Parks Department staff. The Local Park shall be completed prior to receiving the 28th building permit for these 39 dwelling units. The 39 dwelling units are located on the following lots: Block R, Lots 11-14; Block V, Lots 6-9; Block W, Lots 1-14; Block X, Lots 1-14; and Block Z, Lots 1-3.
- g. Notify prospective purchasers of homes adjacent to Ovid Hazen Wells Recreational Park and the new Local Park that houses will be located in the vicinity of active recreational areas.

7. Site Plan

The Applicant shall:

- a. Construct eight foot wide bike path segments along each piece of the Subject Property's frontage along Ridge Road.
- b. Indicate, prior to approval of the Certified Site Plan, any property required from adjacent owners for rights-of-way, green space or other improvements by the Applicant that will be secured before recording of plats.
- c. Maintain the unit orientation to major streets shown on submitted plans, in conformance to the grid pattern consistent with the neighborhood's neo-traditional design.

- d. Ensure that garages for front loaded dwelling units do not protrude beyond the front elevation of the most forward portion of the building, i.e. the front porch.

8. Transportation

The Applicant shall:

- a. Limit development under this site plan to 844 dwelling units so that the total residential development of Greenway Village at Clarksburg does not exceed 1,330 dwelling units.
- b. In accordance with Local Area Transportation Review (LATR) guidelines and the revised phasing of roadway improvements for the Clarksburg Village and Greenway Village at Clarksburg development projects described in the August 22, 2002 letter to David Flanagan and Bernard Rafferty from Transportation Planning staff (attached hereto as Attachment 1), construct offsite improvements to widen MD 27 to six through travel lanes from MD 355 to Brink Road, including additional turn/approach lanes on MD 27 and Brink Road at their intersection. These improvements must be bonded, under construction, or under contract for construction prior to the issuance of building permits for the new development.

9. School Dedication

Dedication of the parcel designated for the future middle school shall be completed prior to recording the last plat for the development.

BE IT FURTHER RESOLVED, that all site development elements shown on the Greenway Village - Phases 3, 4, 5 plans stamped by M-NCPPC on May 26, 2006, shall be required except as modified by the above conditions of approval; and

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

BE IT FURTHER RESOLVED, that the Planning Board's approval of the Amendment is based on the following findings:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Montgomery County Code § 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modified any element of the project plan.*

The Planning Board finds that the Amendment, as modified by the conditions, remains consistent with the Development Plan approved in 2001 by the District Council as part of Local Map Amendment G-735 and also with Development Plan Amendment 04-3, which the District Council approved in 2004.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Planning Board finds that the Amendment, as modified by the conditions, meets all of the requirements of the PD zone. The Planning Board further finds that establishing comprehensive standards, including limits on building heights and setbacks, is necessary to achieve the purposes of the PD zone. These purposes, as provided in Code Section 59-C-7.11, include promoting both "flexibility of design" and "the integration of mutually compatible uses and optimum land planning with greater efficiency" than permitted under conventional zoning categories. A further purpose of the PD zone is to ensure "a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses." Aside from setting requirements for building heights and setbacks, the Amendment establishes standards for more detailed categories such as the minimum distance between adjacent end units of main buildings and setbacks for accessory buildings. The Planning Board finds that this comprehensive set of development standards achieves the purposes of the PD zone by promoting the safety, convenience, and compatibility of the proposed development. The development standards approved by the Board are set forth in the table on the following pages.

Development Data Table

Development Standard	Approved by Planning Board for Site Plan No. 82004022A and Binding on Applicant
Zone	PD-4
Area of Development	209 acres
Dwelling Units	844
One-family Detached	276
Townhouse	320
Multi-family (2-over-2 units)	248
MPDUs	118
Minimum Lot Area (square feet)	
One-family Detached	3,700
Townhouse	1,500
MPDU Townhouse	1,150
Minimum Lot Width at Front Building Line	18 feet
Setback from Public Street	
One-family Detached	15 feet
One-family Detached lot where adjacent house does not front on street	5 feet
Townhouse	5 feet
2-over-2 units	10 feet
Rear Yard	
One-family Detached with front garage	20 feet
One-family Detached with rear garage	0 feet
Townhouse with rear garage	0 feet
2-over-2 units	0 feet
Side Yard	
One-family Detached with front garage	4 feet
One-family Detached with rear garage	3 feet
Townhouse	0 feet
2-over-2 units	0 feet

Development Standard	Approved by Planning Board for Site Plan No. 82004022A and Binding on Applicant
Lot Coverage	
One-family Detached	60 percent
Townhouse	75 percent
Maximum Building Height	
One-family Detached	35 feet, except for 23 houses as indicated on Height and Setback Exhibit* which may not exceed 40 feet
Townhouse	40 feet, except for 70 houses as indicated on Height and Setback Exhibit* which may not exceed 45 feet
2-over-2 units	40 feet, except for 60 structures (120 units) that may not exceed 50 feet and 38 structures (76 units) that may not exceed 55 feet, all as indicated on Height and Setback Exhibit*
Green Space	57 percent (120 acres)
Distance between Adjacent End Units	
Townhouse	8 feet
2-over-2 units	8 feet
Setbacks for Accessory Buildings	
From the public street line	
One-family Detached	60 feet from street parallel to front of house
One-family Detached lot where adjacent house does not front on street	5 feet
From rear and side lot lines	
Detached garage	0 feet
All other structures	5 feet

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The Planning Board finds that the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems proposed by the Amendment, as modified by the conditions,

* The Height and Setback Exhibit is attached hereto as Attachment 2.

are adequate, safe, and efficient. The Board further finds that the Amendment remains consistent with the approval for Site Plan No. 820040220 in this regard.

a. Buildings and Structures

As described in Code Section 59-C-7.11, one of the purposes of the PD zone is "to facilitate and encourage a maximum of social and community interaction and activity" within subject developments. The one-family detached and townhouse dwelling units will be arranged predominantly in grids to create a pedestrian oriented neo-traditional community. The front doors of most dwelling units will face major streets, allowing for greater consolidation of open space areas. Tighter spacing of dwelling units will promote a more pedestrian friendly environment along the public sidewalks. The creation of parks in open spaces throughout the proposed development will create a community focus for recreation and interaction.

b. Open Spaces

According to Code Section 59-C-7.11, another purpose for PD zone development is

. . . 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. . . .

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." The open spaces will feature central greens, sitting areas, shade trees, and decorative planting. As mentioned above, the Applicant has located buildings and structures within the proposed development in such a way as to promote the use of open spaces for community interaction. The establishment of detailed development standards will serve to protect the open spaces from residential encroachment.

c. Landscaping

The landscaping in the proposed development will feature street tree planting, preservation of forested areas, enhancement of buffer planting at the project's perimeter, shrub masses at the perimeters of neighborhood open space areas, and other decorative planting areas. The landscaping and curvilinear grading associated with the stormwater management

ponds will provide a visual relief from the functional form that the ponds typically take. In addition, the landscaping will provide attractive streetscapes and views to adjacent open areas as well as screening for rear yards that would otherwise be visible from public streets, parkland, and bike paths.

d. Recreation Facilities

The Amendment includes the construction of the Clarksburg Greenway, a major regional recreational link, as well as several tributary bike paths within the proposed development. Play areas will be interspersed throughout the open areas within the housing area and parkland adjacent to the homes. In addition, the conditions contain detailed requirements for the construction of Park 19, which will feature baseball fields, basketball courts, and picnic shelters, among other amenities. To limit encroachment upon a forested stream valley buffer, the Applicant has revised the location of the baseball fields and the design of the semi-circular driveway at the entrance to the park.

e. Pedestrian and Vehicular Circulation Systems

The street layout proposed in the Amendment, as modified by the conditions, provides for uniform access for both pedestrians and vehicles throughout the development. Public and private alleys provide access to the backyards of homes with rear loaded garages, thereby allowing for more uniform parking and pedestrian access next to the street within the fronts of lots.

Pursuant to its review of the Amendment, the Montgomery County Fire and Rescue Service mandated certain changes to the street design within the proposed development to improve access for emergency vehicles. These changes, including, for example, the addition of grasscrete pavers to the open space between two groups of townhouses, are incorporated by reference in the conditions. In addition, the Amendment includes modifications required by agencies such as DPS, DPWT, and the Maryland State Highway Administration (SHA). These modifications include, among others: revising street grades, sidewalk ramp locations, and the turning radii of some streets; altering the design of Little Seneca Parkway (A-302) to redirect storm drainage and to include median breaks at certain intersections; and changing from open to closed certain sections of Little Seneca Parkway and Peppervine and Muscadine Drives. The Planning Board finds that these modifications enhance the adequacy,

safety, and efficiency of the pedestrian and vehicular circulation systems in the proposed development.

Further, Code Section 59-C-7.11 lists among the purposes of the PD zone the following:

[T]o encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular 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.

Paths located within unit blocks link play areas and open spaces to sidewalks. Beyond the unit blocks, bike and pedestrian paths link open spaces with both street-oriented and offsite bike paths within Ovid Hazen Wells Recreational Park and the Clarksburg Greenway trail system. The provision of bike path segments along Ridge Road lays the groundwork for a continuous pedestrian and bike connection to the proposed school, parks, and shopping areas.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The Planning Board finds that each structure and use proposed for development in the Amendment, as modified by the conditions, is compatible with other uses and site plans as well as existing and proposed adjacent development. The Board further finds that the Amendment remains consistent with the approval for Site Plan No. 820040220 in this regard.

As mentioned above, buildings within the proposed development are arranged in a grid pattern of lots and blocks with centralized pockets of open space. The Board finds that this standardized treatment allows for a mix of unit types and effective transitions between one-family detached and townhouse dwelling units, which, in turn, satisfies the purposes of the PD zone by providing and encouraging "a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types" while maintaining compatibility. The Board notes that the unit mix presented in the Amendment differs from that approved for Site Plan No. 820040220, especially with regard to the number of townhouse and multi-family dwelling units, and finds that the proposed unit mix further advances the goal of encouraging "a broad range of housing types" without impairing the compatibility of the proposed development with other site plans and adjacent development.

Landscaping will enhance the buffer between dwelling units in the proposed development and adjacent existing homes along the eastern boundary of the project. The construction of community-wide bike path and trail networks that will connect to adjacent subdivisions, coupled with the acceptance of detailed development standards, reflects the Applicant's efforts to accommodate proposed neighboring development projects.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Board finds that the development proposed in the Amendment, as modified by the conditions, meets all applicable requirements of Chapters 22A and 19, respectively.

As stated in the conditions, the Amendment is subject to the Final Forest Conservation Plan approved on October 7, 2005. Pursuant to Code Section 59-C-7.11, an application for development in the PD zone should strive to "preserve and take the greatest possible aesthetic advantage of trees." As mentioned above, forest retention constitutes an element of the Applicant's landscaping design. With regard to reforestation, first priority will be given to those areas within the same watershed as the development and within the Clarksburg Special Protection Area (SPA), second priority will be given to those areas only within the Clarksburg SPA, and third priority will be given to those areas within the same watershed as the development but outside the SPA.

The Amendment remains subject to the Final Water Quality Plan approved concurrently with Site Plan No. 820040220. According to the June 17, 2004 letter from DPS approving the Final Water Quality Plan, water quality control for the proposed development will be provided by a treatment train consisting of vegetated conveyance swales, dry swales (vegetated swales underlain with infiltration structures), bio-retention structures (for small drainage areas), surface sand filters, underground filtering structures, water quality inlets, and recharge structures. Pursuant to requests received from DPS and the Montgomery County Department of Public Works and Transportation (DPWT), and in response to modifications to the stormwater management systems, the Applicant has modified the design of the storm drain system along a portion of Newcut Road. Additional revisions to grading, outfall locations, and access points for several stormwater management facilities within the proposed development will serve to minimize the impact of grading and tree clearing.

In addition, the Applicant will be required to obtain Planning Board approval before encroaching into stream buffers for stormwater management or sediment

control purposes, unless such encroachment is required in non-forested stream buffers for necessary outfalls and temporary sediment control facilities. Where a later design review determines that a facility is improperly sized and must be enlarged to accommodate proposed drainage areas, the Applicant will be required to find additional space outside of stream buffers regardless of whether the facility in question must be reconfigured and developable areas would be lost as a result.

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code Section 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written opinion is August 2, 2006 (which is the date that this opinion is mailed to all parties of record); and

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

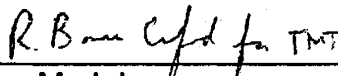
* * * * *

At its regular meeting, held on Thursday, July 27, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, with four Commissioners present, and Commissioner Robinson abstaining, and Commissioner Bryant necessarily absent, ADOPTED the above Resolution which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 82004022A, Greenway Village, Phases 3, 4, 5.

Adopted by the Montgomery County Planning Board this 27th day of July, 2006.

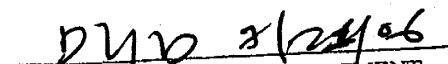


Derick P. Berlage
Chair, Montgomery County Planning Board



Trudye M. Johnson
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC LEGAL DEPARTMENT

PLAT NO. 220080170

Beallsville Property

Located on the west side of Darnestown Road (MD 28), approximately 4,200 feet north of West Hunter Road

RDT zone; 3 lots, 1 parcel

Private Well, Private Septic

Master Plan Area: Agriculture and Rural Open Space

M-NCPPC, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120060960, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plan.

RECORD PLAT REVIEW SHEET

Plan Name: Beallsville Property Plan Number: 120060960
 Plat Name: Beallsville Property Plat Number: 220080170
 Plat Submission Date: 8-1-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: E. Grayson

Initial DRD Review:

Signed Preliminary Plan - Date 6/6/07 Checked: Initial SS Date 9/13/07
 Planning Board Opinion - Date 3-12-07 Checked: Initial SS Date 9-11-07
 Site Plan Req'd for Development? Yes ☐ No ☒ Verified By: SS (initial)
 Site Plan Name: _____ Site Plan Number: _____
 Planning Board Opinion - Date _____ Checked: Initial _____ Date _____
 Site Plan Signature Set - Date _____ Checked: Initial _____ Date _____
 Site Plan Reviewer Plat Approval: _____ Checked: Initial _____ Date _____

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒
 Coordinates ☒ Plan # ok Road/Alley Widths ok Easements ok Open Space ok
 Non-standard BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells ok
 TDR note N/A Child Lot note N/A Surveyor Cert ok Owner Cert ok Tax Map ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>J. P. ...</u>	<u>8-28-07</u>	<u>9-7-07</u>	<u>9-14-07</u>	<u>ok</u>
Research	Bobby Fleury	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>8-31-07</u>	<u>ok</u>
SHA	Doug Mills	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u> </u>	<u> </u>
PEPCO	Steve Baxter	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u> </u>	<u> </u>
Parks	Doug Powell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u> </u>	<u> </u>
DRD	Nellie Carey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>9-11-07</u>	<u>ok</u>

Final DRD Review:

DRD Review Complete:
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up):
 Final Mylar w/Mark-up & PDF Rec'd:

Initial

SS

Date

10/10/07SS9/27/07SS10/10/07**Board Approval of Plat:**

Plat Agenda:

SS10/25/07

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

No. _____

pp-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Jan 12 2007

MCPB No. 06-50

Preliminary Plan No. 120060960

Beallsville Property

Date of Hearing: December 07, 2006

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on March 23, 2006, Montgomery County M-NCPPC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create three lots and one outlot out of an existing lot consisting of 81.21 acres of land located on Darnestown Rd (MD 28), 4,500 feet north of West Hunter Road ("Subject Property"), in the Agricultural and Rural Open Space Master Plan area; and

WHEREAS, the Applicant's preliminary plan application was designated Preliminary Plan No. 120060960, Beallsville Property ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated November 15, 2006, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on December 7, 2006, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, the Planning Board held a public hearing on the Application ("Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

DAL 2/26/07

M-NCPPC Legal Department

WHEREAS, on December 7, 2006, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant, seconded by Commissioner Perdue; with a vote of 5-0, Commissioners Bryant, Hanson, Perdue, Robinson, and Wellington voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120060960 to create 3 lots on 81.21 acres of land located on Darnestown Rd (MD 28), 4,500 feet north of West Hunter Road ("Property" or "Subject Property"), in the Agricultural and Rural Open Space master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to lots for three dwelling units.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan dated October 26, 2006. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services ("MCDPS") issuance of sediment and erosion control permits, as applicable. The conditions include:
 - a) Required site inspections by M-NCPPC enforcement staff per Section 110 of the Forest Conservation Regulations; and
 - b) Placement of split rail fence or similar fencing around the on-lot conservation easement on lot 10.
- 3) The Applicant must provide a paved shoulder for the signed shared bikeway along the Darnestown Road frontage of the property.
- 4) The Record plat must reflect a Category I easement over all areas of stream valley buffers and forest conservation areas.
- 5) The Record plat must reflect common ingress/egress and utility easements over all shared driveways, if required by the Maryland State Highway Administration ("SHA") to obtain access permits.
- 6) The Applicant must comply with the conditions of approval of the MCDPS stormwater management approval dated November 18, 2005, subject to any amendments.
- 7) The record plat must reflect dedication of 57.77 acres to M-NCPPC for park purposes.
- 8) The Applicant must comply with conditions of the Montgomery County Department of Public Works and Transportation ("MCDPWT") letter dated May 19, 2006 unless otherwise amended.
- 9) The Applicant shall comply with conditions of SHA letter dated June 20, 2006, subject to any amendments.
- 10) The Adequate Public Facility review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.
- 11) Other necessary easements.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The Subject Property is within the Preservation of Agriculture and Rural Open Space Master Plan area. The Preservation of Agriculture and Rural Open Space Master Plan does not specifically identify the subject property for discussion but does give general guidance and recommendations regarding zoning and land use. The master plan supports continuation of agricultural practices as the preferred use in the RDT zone but also allows for low-density residential development. The Applicant proposes to continue agricultural practices by increasing the size of M-NCPPC parkland available for equestrian activities. While the proposed resubdivision reduces the size and agricultural capacity of existing lots 6, 7, and 8 by creating 3 smaller, buildable lots, agricultural uses can continue. The proposed plan complies with the base density of one dwelling unit per 25 acres in the RDT zone. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it preserves agricultural uses while creating low-density residential development.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application is not subject to Local Area Transportation Review.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The Application has been reviewed for compliance with the Subdivision Regulations, Montgomery County Code, Chapter 50. The Application meets all applicable sections, including the requirements for resubdivision. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the RDT zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in

that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended that it be approved.

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

The Beallsville Property is subject to the Forest Conservation Law. The Applicant proposes to retain 34.34 acres of forest, which exceeds both the minimum retention and the standard conservation thresholds for the site. The retained forest will be permanently protected through 3.26 acres of Category I Conservation Easement on lot 10, which contains 2.8 acres of forest. On Outlot A, which is to remain MNCPPC Parks property, 31.51 acres of forest will be protected. The Preliminary Plan meets all applicable requirements of the county Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the MCDPS that the Stormwater Management Concept Plan meets MCDPS's standards.*

The proposed stormwater management plan includes on-site water quality control and onsite recharge via rooftop disconnect, diversion swales and drywells. The MCDPS Stormwater Management Section approved the stormwater management concept for the project on November 18, 2005.

6. *The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated by Staff in the Staff Report) ("Neighborhood").*

Frontage:

In a Neighborhood of 33 lots, lot frontages range from 25 feet to 1,150 feet. The proposed lots fall within this range, at 378, 679, and 568 feet. As a result, the proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.

Alignment:

Seven lots in the proposed neighborhood are angular, 1 lot is a corner lot and the remaining 25 lots are perpendicular in terms of alignment. The three proposed lots are perpendicular and will, therefore, be in the same character as the majority of existing lots in the neighborhood.

Size:

The lot sizes in the delineated Neighborhood range from 4.02 acres to 90.30 acres. Approximately 24% of lots in the neighborhood are smaller than ten acres. The proposed lots are 6.93, 9.05, and 7.45 acres in size and, therefore, fall within the smallest quarter of lots within the neighborhood. Although the lots will be within the smallest in the neighborhood, the proposed lots fall within the range of, and will be of the same character as, existing lots in the neighborhood.

Shape:

Sixteen of the 33 lots in the neighborhood are irregular or irregular/pipestem in shape. The other 17 lots are rectangular or rectangular/pipestem. The proposed lots are rectangular in shape, and will, therefore, be in character with the shapes of the existing lots.

Width:

The lot widths at the front building restriction line in the existing neighborhood range from 100 feet to 1,714 feet. Nine of the 33 lots within the existing neighborhood are wider than 800 feet, while the remaining 24 are narrower than 800 feet. With widths of 338, 639, and 528 feet, the proposed lots will be in character with existing lot widths.

Buildable Area:

The buildable area of lots within the neighborhood ranges from 2.80 acres to 82.09 acres. The proposed lots have areas of 5.38, 7.08, and 5.73 acres. The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.

Suitability for Residential Use:

The existing and the proposed lots are zoned RDT. One-family detached dwelling units are a permitted use in the RDT zone.

7. *Issues raised at the public hearing have been appropriately addressed.*

Citizens who spoke at the public hearing raised the following issues for the Planning Board's consideration:

- a) Residential use of the subject property is not appropriate due to its adjacency to M-NCPPC parkland.
- b) Sufficient funding is available and, therefore, sale of these residential lots is unnecessary to fund completion of the park.

With respect to the first issue, the Planning Board finds that the project does not increase development potential of the site compared to the original subdivision. Rather, the number of buildable lots will remain the same. The existing subdivision includes three buildable lots. The effect of this proposed resubdivision will be to reduce the size of the existing lots and to incorporate the excess property into surrounding parkland. With respect to the second issue, no specific funding source has been identified to complete development of the park.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is JAN 12 2007 (which is the date that this Resolution is mailed to all parties of record); and

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


* * * * *

CERTIFICATION

At its regular meeting, held on Thursday March 1, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Perdue, seconded by Commissioner Wellington, with Chairman Hanson and Commissioners Perdue and Wellington present and voting in favor, and with

MCPB No. 06-50
Preliminary Plan No. 120060960
Beallsville Property
Page 7

Commissioners Bryant and Robinson absent. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120060960, Beallsville Property.



Royce Hanson, Chairman
Montgomery County Planning Board

EEG

N:\DEPT\DIVDR\SUBDIVISION\Planning Board Opinions\Planning Board opinion drafts 2006\1-06096, Beallsville Property.doc