MCPB
Item # 2
1/17/08

MEMORANDUM

DATE: January 4, 2008

TO: Montgomery County Planning Board

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

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

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board Agenda for January 17, 2008

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:

220071550 - 220071570 **Rock Creek Woods (3)**
220080530 - 220080540 **Greenway Village (2)**

PLAT NO. 220071550 - 220071570

Rock Creek Woods
Located on the west side of Baltimore Road, approximately 1,600 feet north of Twinbrook Parkway
RT-8 zone; 30 lots, 6 parcels
Community Water, Community Sewer
Master Plan Area: Aspen Hill
Oxbridge Development at Rock Creek, LC, Applicant

The record plats have been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plats comply with Preliminary Plan No. 120060100, and Site Plan No. 820060070, as approved by the Board, and that any minor modifications reflected on the plats do not alter the intent of the Board's previous approval of the aforesaid plans.

PB date: 1/17/08

RECORD PLAT REVIEW SHEET

Plan Name: Rock Creek Woods Plan Number: 120060100
Plat Name: Rock Creek Woods Plat Number: 220071550
Plat Submission Date: 6-11-07
DRD Plat Reviewer: S. Smith
DRD Prelim Plan Reviewer: R. Weaver

Initial DRD Review:
Signed Preliminary Plan – Date 9/26/06 Checked: Initial SJW Date 1/3/08
Planning Board Opinion – Date 8-7-06 Checked: Initial SDS Date 7-17-07
Site Plan Req'd for Development? Yes ✓ No ___ Verified By: SDS (initial)
Site Plan Name: Rock Creek Woods Site Plan Number: 820060070
Planning Board Opinion – Date 10-3-06 Checked: Initial SDS Date 7-17-07
Site Plan Signature Set – Date 7-11-07 Checked: Initial SDS Date 12-3-07
Site Plan Reviewer Plat Approval: Checked: Initial [illegible] Date 12-7-07

Review Items: Lot # & Layout ✓ Lot Area ✓ Zoning ✓ Bearings & Distances ✓
Coordinates ✓ Plan # ✓ Road/Alley Widths ok Easements ok Open Space ok
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 ok Owner Cert ok Tax Map ✓

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	D. Johnsen	6-27-07	7-13-07	7-2-07	Revise Conservation Easement
Research	Bobby Fleury			7-2-07	OK
SHA	Doug Mills			—	No Comments
PEPCO	Steve Baxter			—	No Comments
Parks	Doug Powell			—	No Comments
DRD	Nellie Carey	↓	↓	7-26-07	No Revisions

Final DRD Review:

	Initial	Date
DRD Review Complete: (All comments rec'd and incorporated into mark-up)	SDS	1-3-08
Engineer Notified (Pick up Mark-up):	SJS	12/7/07
Final Mylar w/Mark-up & PDF Rec'd:	SDS	12-17-07
Board Approval of Plat:		
Plat Agenda:	SDS	1-17-08
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. ___

NOTES

1) ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
2) THE PROPERTY SHOWN HEREON IS TO BE SERVED BY PUBLIC WATER AND SEWER SERVICES ONLY.
3) THE PROPERTY HEREON IS ZONED RT-8 PER ZONING APPLICATION NO. G-822.
4) THE LOTS SHOWN HEREON ARE LIMITED TO USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN FILE NO. 120060100. DEVELOPMENT IS SUBJECT TO THE TERMS OF AN APPROVED SITE PLAN FILE NO. 820060070.
5) THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DISPUTE OR NOTE ALL MATTERS AFFECTING TITLE.
6) THE PROPERTY SHOWN HEREON IS IDENTIFIED ON TAX MAP GR66.
7) THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A GRADING OR SEDIMENT CONTROL PERMIT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGIA AVENUE, SILVER SPRING, MD.
8) PARCELS "D" AND "E", BLOCK A, SHOWN HEREON, ARE SUBJECT TO THE TERMS AND CONDITIONS OF THE "COMMON OPEN SPACE COVENANT WITH THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION", RECORDED AMONG THE LAND RECORDS OF MONTGOMERY CO., MD IN IN LIBER 28040 AT FOLIO 578.
9) OPEN SPACE PARCELS "D" AND "E", BLOCK A, SHOWN HEREON, ARE SUBJECT TO THE TERMS AND CONDITIONS OF A DECLARATION COVENANTS ASSIGNING RESPONSIBILITY FOR PRIVATE PARKS, PRIVATE OPEN SPACE, THE MAINTENANCE OF PRIVATE STREETS AND PRIVATE DRAINAGE SYSTEMS LOCATED THEREIN, RECORDED IN LIBER 34844 AT FOLIO 724.
10) PARCELS D & E, BLOCK A, SHOWN HEREON, WILL BE CONVEYED TO THE HOMEOWNERS ASSOCIATION.
11) THE COMMON ACCESS EASEMENT SHOWN HEREON OVER THE PRIVATE STREET ENTITLED WHITE GATE DRIVE AND DEER TREE LANE IS ESTABLISHED TO PROVIDE PERMANENT AND UNOBSTRUCTED ACCESS BY THE GENERAL PUBLIC IN AND ACROSS SAID EASEMENT, AND THE ROADWAY/SIDEWALKS THEREIN. MONTGOMERY COUNTY, MARYLAND WILL NOT PARTICIPATE IN THE MAINTENANCE OF THIS PRIVATE STREET.
12) THIS PLAT CONFORMS WITH THE REQUIREMENTS OF CHAPTER 59A OF THE MONTGOMERY COUNTY CODE REGARDING MODERATELY PRICED DWELLING UNITS.

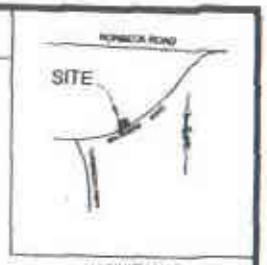
CALL TABLE (Forest Conservation Easement)

Course	Bearing	Dist.
FC1	S 80°10'31" E	232.21'
FC2	S 28°37'40" W	86.23'
FC3	N 61°22'20" W	79.33'
FC4	N 03°15'58" E	12.78'
FC5	N 45°26'06" W	16.92'
FC6	N 79°45'32" W	56.86'
FC7	N 80°37'54" W	45.10'
FC8	N 76°49'06" W	20.85'
FC9	N 28°36'29" E	16.73'

PLAT NO.

CALL TABLE - GE PUE

Course	Bearing	Distance
A	Rad: 278.92' Chd: N 30°58'42" W	Arc: 9.39' 9.39'
B	Rad: 171.87' Chd: N 42°59'36" W	Arc: 84.08' 83.24'
C	N 81°58'32" W	37.37'
D	N 81°22'20" W	84.11'



VICINITY MAP
SCALE: 1" = 2000'

CURVE DATA TABLE

Curve	Radius	Length	Delta	Chord	Chord Bearing
1	273.33'	8.89'	1°51'48"	8.89'	N 30°59'23" W
2	176.67'	72.34'	23°27'51"	71.84'	N 42°34'36" W
3	54.33'	15.40'	16°13'53"	15.40'	N 36°46'37" E
4	85.00'	14.02'	9°26'59"	14.00'	N 33°21'06" E
5	25.00'	43.28'	103°46'59"	38.34'	N 80°51'06" E
6	133.00'	45.62'	19°38'03"	45.38'	S 37°48'52" E

OWNER'S CERTIFICATE

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES.

WE HEREBY GRANT TO THOSE PARTIES LISTED IN THAT CERTAIN DECLARATION RECORDED IN LIBER 3634 AT FOLIO 467 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, TEN (10) AND ELEVEN (11) FEET WIDE PUBLIC UTILITY EASEMENTS, DESIGNATED HEREON AS "P.U.E.", SUBJECT TO THE TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS INDICATED WITHIN SAID DECLARATION.

WE HEREBY GRANT TO THE MONTGOMERY COUNTY PLANNING BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (M-NCP&PC), A CONSERVATION EASEMENT, AS SHOWN HEREON, PURSUANT TO M-NCP&PC PRELIMINARY PLAN NO. 120060010, INCLUDING ITS ASSOCIATED FOREST CONSERVATION PLAN, AND IN ACCORDANCE WITH THE TERMS, PROVISIONS AND CONDITIONS CONTAINED IN THE INDICATED CONSERVATION EASEMENT AGREEMENT RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 13478 AT FOLIO 412.

WE HEREBY ESTABLISH THE COMMON ACCESS EASEMENT, SHOWN HEREON, OVER THE PRIVATE STREETS ENTITLED WHITE GATE DRIVE AND DEER TREE LANE, TO PROVIDE PERMANENT AND UNOBSTRUCTED ACCESS BY THE GENERAL PUBLIC IN AND ACROSS SAID EASEMENT, AND THE ROADWAY/SIDEWALKS THEREIN.

WE HEREBY ESTABLISH A LIGHTING EASEMENT ACROSS LOTS 18, 23 AND 24, DESIGNATED HEREON AS HOA LIGHTING ESMT., FOR THE USE OF THE HOMEOWNERS ASSOCIATION, TO CONSTRUCT, MAINTAIN AND OPERATE STREET LIGHTS AND APPURTENANCES.

AS OWNERS OF THIS SUBDIVISION, WE, OUR SUCCESSORS AND ASSIGNS, SHALL CAUSE PROPERTY CORNER MARKERS TO BE SET BY A REGISTERED MARYLAND LAND SURVEYOR, IN ACCORDANCE WITH SECTION 50-24(e)(1) OF THE MONTGOMERY COUNTY CODE. THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS OR TRUSTS, ON THIS PROPERTY.

CRISBRIDGE DEVELOPEMENT AT ROCK CREEK, L.C.

ELLIOT R. TIVIAH, MANAGER — DATE: Dec. 14, 2007

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND INFORMATION AND THAT THE PROPERTY SHOWN IS COMPRISED OF THE LAND DESCRIBED IN THE FOLLOWING TWO (2) CONVEYANCES: (1) PART OF THE LAND CONVEYED TO CRISBRIDGE DEVELOPEMENT AT ROCK CREEK, L.C. BY MICHAEL D. PICKETT ET AL BY DEED DATED JANUARY 30, 2006 RECORDED IN LIBER 31736 AT FOLIO 186, AND (2) PART OF THE LAND CONVEYED BY TIKVAT ISRAEL CONGREGATION TO CRISBRIDGE DEVELOPEMENT AT ROCK CREEK, L.C. BY DEED DATED MAY 8, 2007, RECORDED IN LIBER 34288 FOLIO 351, SAID LAND ALSO BEING A RE-SUBDIVISION OF PARCEL "A" FOUND ON A PLAT ENTITLED "PARCEL A, BETH-TIKVA SYNAGOGUE PROPERTY" RECORDED IN PLAT BOOK 76 AT PLAT 7477, ALL INSTRUMENTS BEING FOUND AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

I FURTHER CERTIFY THAT, ONCE ENGAGED AS DESCRIBED IN THE OWNER'S DEDICATION HEREON, ALL PROPERTY CORNER MARKERS WILL BE SET IN ACCORDANCE WITH SECTION 50-24 (e)(2) OF THE MONTGOMERY COUNTY CODE.

THE TOTAL AREA OF THIS PLAT IS 8,258 SQUARE FEET OR 0.1896 ACRES OF LAND, NONE OF WHICH IS DEDICATED TO PUBLIC USE BY THIS PLAT.

12/11/2007

ERIC V. DAY
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION NO. 16771
DATE

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

APPROVED: _____

CHAIRMAN — ASST. SECRETARY TREASURER

M-NCP&PC RECORD PLAT FILE NO.

MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES

APPROVED: _____ DATE

BY: _____ DIRECTOR

RECORDED

DATE

PLAT NO.

Dewberry
203 Perry Parkway, Suite 1
Gaithersburg, MD 20877-2169
(301) 948-8300 Fax: (301) 258-7607

SUBDIVISION RECORD PLAT

ROCK CREEK WOODS

LOTS 9 THROUGH 24 AND PARCELS D & E, BLOCK A

ROCKVILLE (4th) ELECTION DISTRICT - MONTGOMERY COUNTY, MARYLAND

SCALE: 1"= 30' DATE: SEPT. 2007

June 2007

RECORD PLAT REVIEW SHEET

Plan Name: Rock Creek Woods — Plan Number: 120060100
Plat Name: Rock Creek Woods — Plat Number: 220071560
Plat Submission Date: 6-11-07
DRD Plat Reviewer: S. Smith
DRD Prelim Plan Reviewer: R. Weaver

Initial DRD Review:
Signed Preliminary Plan – Date 9/26/06 Checked: Initial RW Date 11/3/06
Planning Board Opinion – Date 8-7-06 Checked: Initial SJS Date 7-17-07
Site Plan Req'd for Development? Yes ✓ No ___ Verified By: SJS (initial)
Site Plan Name: Rock Creek Woods Site Plan Number: 820060070
Planning Board Opinion – Date 10-3-06 Checked: Initial SJS Date 7-17-07
Site Plan Signature Set – Date 7-11-07 Checked: Initial SJS Date 12-3-07
Site Plan Reviewer Plat Approval: Checked: Initial RAV Date 12.7.07

Review Items: Lot # & Layout ✓ Lot Area ✓ Zoning ✓ Bearings & Distances ✓
Coordinates ✓ Plan # ✓ Road/Alley Widths ✓ Easements ok Open Space ok
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 ✓

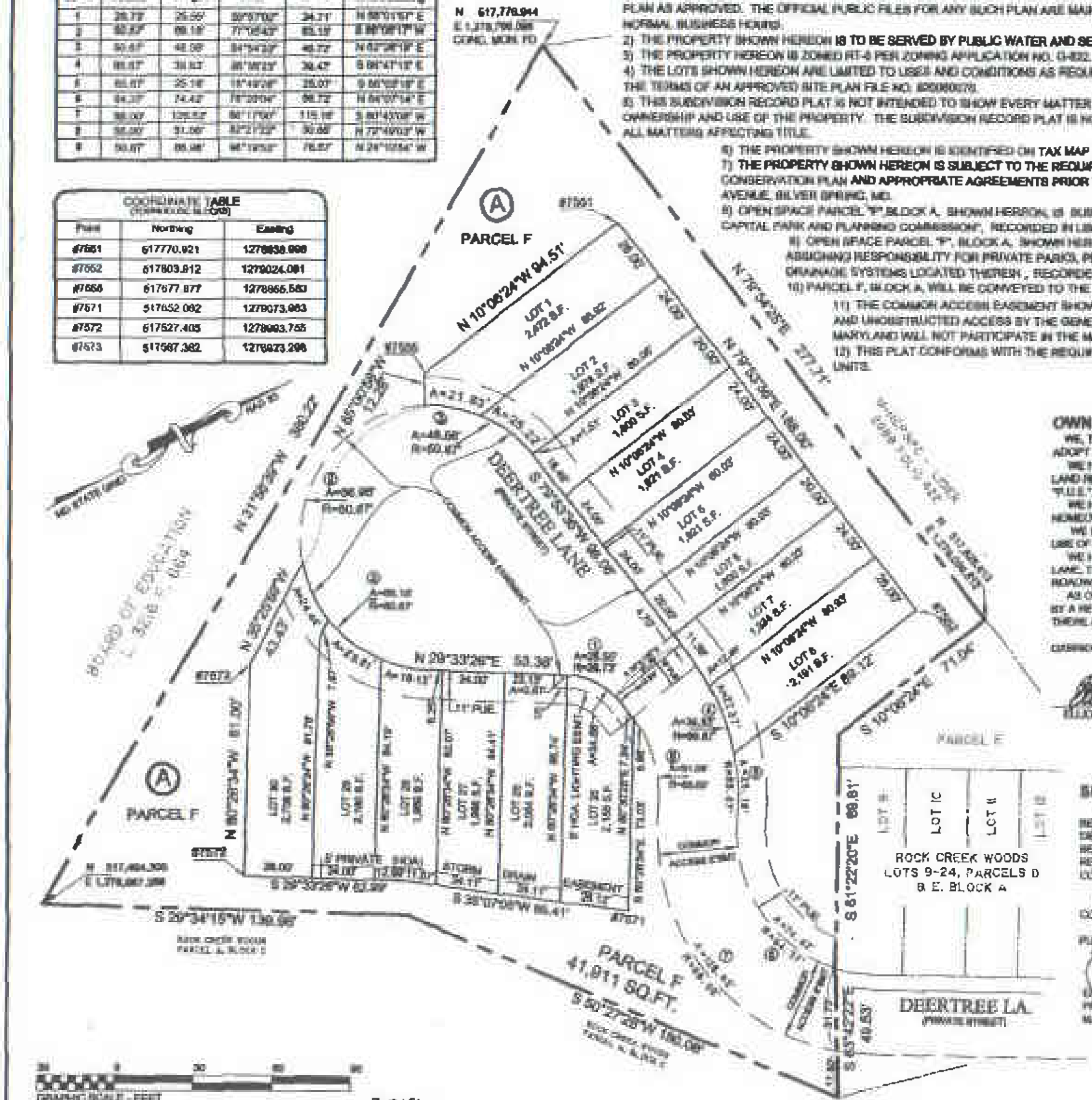
Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	D. Johnson	6-27-07	7-13-07	7-2-07	No Revisions
Research	Bobby Fleury	↓	↓	7-2-07	OK
SHA	Doug Mills			—	No Comments
PEPCO	Steve Baxter			—	No Comments
Parks	Doug Powell				No Comments
DRD	Nellie Carey			7/26/07	No Revisions

Final DRD Review:	Initial	Date
DRD Review Complete: (All comments rec'd and incorporated into mark-up)	SJS	1-3-08
Engineer Notified (Pick up Mark-up):	SJS	12/7/07
Final Mylar w/Mark-up & PDF Rec'd:	SJS	12-17-07
Board Approval of Plat:		
Plat Agenda:	SJS	1-17-08
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 #:	___	___ No ___
Update Green Books for Resubdivision:	___	___
Notify Engineer to Seal Plats:	___	___
Engineer Seal Complete:	___	___
Complete Reproduction:	___	___
Sent to Courthouse for Recordation:	___	___

CURVE DATA TABLE					
Curve	Radius	Length	Delta	Chord	Chord Bearing
1	28.73'	25.59'	50°57'02"	24.71'	N 88°01'61" E
2	50.67'	69.18'	77°05'43"	63.15'	S 88°08'17" W
3	50.67'	48.08'	54°54'23"	46.27'	N 62°26'18" E
4	50.67'	30.83'	35°18'23"	30.47'	S 86°47'13" E
5	50.67'	25.18'	15°49'26"	25.07'	S 66°03'18" E
6	54.37'	74.42'	78°20'04"	68.72'	N 84°07'14" E
7	55.00'	120.52'	90°17'00"	115.18'	S 80°40'08" W
8	55.00'	31.06'	32°27'22"	30.65'	N 72°49'03" W
9	50.67'	85.98'	96°19'52"	76.07'	N 24°10'54" W

COORDINATE TABLE

Point	Northing	Easting
#7551	617770.921	1278838.998
#7552	617803.912	1279024.081
#7556	617677.877	1278866.583
#7571	517652.062	1279073.963
#7572	617527.405	1278993.755
#7573	517567.382	1278923.298



NOTES

1) ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

2) THE PROPERTY SHOWN HEREON **IS TO BE SERVED BY PUBLIC WATER AND SEWER SERVICES ONLY.**

3) THE PROPERTY HEREON IS ZONED RT-8 PER ZONING APPLICATION NO. G-832.

4) THE LOTS SHOWN HEREON ARE LIMITED TO USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN FILE NO. 120060100. DEVELOPMENT IS SUBJECT TO THE TERMS OF AN APPROVED SITE PLAN FILE NO. 820060070.

5) THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

6) THE PROPERTY SHOWN HEREON IS IDENTIFIED ON **TAX MAP GR563.**

7) **THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST** CONSERVATION LAW, INCLUDING APPROVAL OF A FINAL FOREST CONSERVATION PLAN **AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT.** A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGIA AVENUE, SILVER SPRING, MD.

8) OPEN SPACE PARCEL "F", BLOCK A, SHOWN HEREON, IS SUBJECT TO THE TERMS AND CONDITIONS OF THE "COMMON OPEN SPACE COVENANT WITH THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION", RECORDED IN LIBER 28040 AT FOLIO 878 AMONG THE MONTGOMERY CO., MD. LAND RECORDS.

9) OPEN SPACE PARCEL "F", BLOCK A, SHOWN HEREON, IS SUBJECT TO THE TERMS AND CONDITIONS OF A DECLARATION COVENANTS ASSIGNING RESPONSIBILITY FOR PRIVATE PARKS, PRIVATE OPEN SPACE, THE MAINTENANCE OF PRIVATE STREETS AND PRIVATE DRAINAGE SYSTEMS LOCATED THEREIN, RECORDED IN LIBER 34544 AT FOLIO 724 AMONG THE MONTGOMERY COUNTY LAND RECORDS.

10) PARCEL F, BLOCK A, WILL BE CONVEYED TO THE HOMEOWNERS ASSOCIATION.

11) THE COMMON ACCESS EASEMENT SHOWN HEREON OVER THE PRIVATE STREET ENTITLED DEER TREE LANE IS ESTABLISHED TO PROVIDE PERMANENT AND UNOBSTRUCTED ACCESS BY THE GENERAL PUBLIC IN AND ACROSS SAID EASEMENT, AND THE ROADWAYS/SIDEWALKS THEREIN. MONTGOMERY COUNTY, MARYLAND WILL NOT PARTICIPATE IN THE MAINTENANCE OF THIS PRIVATE STREET.

12) THIS PLAT CONFORMS WITH THE REQUIREMENTS OF CHAPTER 25A OF THE MONTGOMERY COUNTY CODE REGARDING MODERATELY PRICED DWELLING UNITS.

PLAT NO.

SITE

VICINITY MAP
1" = 2000'

OWNER'S CERTIFICATE

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES.

WE HEREBY GRANT TO THOSE PARTIES LISTED IN THAT CERTAIN DECLARATION RECORDED IN LIBER 3604 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, ELEVEN (11) FEET WIDE PUBLIC UTILITY EASEMENTS, DESIGNATED HEREON AS "P.U.E.", SUBJECT TO THE TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS INDICATED WITHIN SAID DECLARATION.

WE HEREBY ESTABLISH A PRIVATE STORM DRAIN EASEMENT ACROSS LOTS 25 THROUGH 29, AS SHOWN, FOR THE USE OF THE HOMEOWNERS ASSOCIATION TO, CONSTRUCT, MAINTAIN AND OPERATE STORM DRAINS AND APPURTENANCES.

WE HEREBY ESTABLISH A LIGHTING EASEMENT ACROSS LOTS 29 AND 30, DESIGNATED HEREON AS "HOA LIGHTING ESMT", FOR THE USE OF THE HOMEOWNERS ASSOCIATION, TO CONSTRUCT, MAINTAIN AND OPERATE STREET LIGHTS AND APPURTENANCES.

WE HEREBY ESTABLISH THE COMMON ACCESS EASEMENT, SHOWN HEREON, OVER THE PRIVATE STREET ENTITLED DEER TREE LANE, TO PROVIDE PERMANENT AND UNOBSTRUCTED ACCESS BY THE GENERAL PUBLIC IN AND ACROSS SAID EASEMENT, AND THE ROADWAYS/SIDEWALKS THEREIN.

AS OWNERS OF THIS SUBDIVISION, WE, OUR SUCCESSORS AND ASSIGNS, SHALL CAUSE PROPERTY CORNER MARKERS TO BE SET BY A REGISTERED MARYLAND LAND SURVEYOR, IN ACCORDANCE WITH SECTION 50-24(e)(2) OF THE MONTGOMERY COUNTY CODE. THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS OR TRUSTS, ON THIS PROPERTY.

OXBRIDGE DEVELOPMENT AT ROCK CREEK, L.C.

ELLIOT R. TOBIN, MANAGER — DEC 14, 2007
DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND INFORMATION AND THAT IT IS PART OF THE LAND CONVEYED BY TIKVAT ISRAEL CONGREGATION TO OXBRIDGE DEVELOPMENT AT ROCK CREEK, L.C. BY DEED DATED MAY 8, 2007, RECORDED IN LIBER 34386 FOLIO 361, SAID LAND ALSO BEING A RE-SUBDIVISION OF PARCEL "A" FOUND ON A PLAT ENTITLED "PARCEL A, BETH-TIKVA SYNAGOGUE PROPERTY" RECORDED IN PLAT BOOK 76 AT PLAT 7477, ALL INSTRUMENTS BEING FOUND AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

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ERIC V. DAY — 12/11/2007
PROFESSIONAL LAND SURVEYOR — DATE
MARYLAND REGISTRATION NO. 10771

207156

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD	MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF PERMITTING SERVICES	RECORDED
APPROVED: ______	APPROVED: ______ DATE	DATE
CHAIRMAN ______ ASST. SECRETARY TREASURER	BY: ______ DIRECTOR	PLAT NO.
M-NCP&PC RECORD PLAT FILE NO.		

Dewberry
321 Ballenger Center Drive, Suite 101
Frederick, MD 21703
(301) 663-3158 Fax: (301) 663-3679

SUBDIVISION RECORD PLAT

ROCK CREEK WOODS

LOTS 1 THROUGH 8,
LOTS 25 THROUGH 30 AND PARCEL F, BLOCK A
ROCKVILLE (4th) ELECTION DISTRICT - MONTGOMERY COUNTY, MARYLAND
SCALE: 1"= 30' DATE: SEPT. 2006

June 2007

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PEPCO	Steve Baxter			—	No Comments
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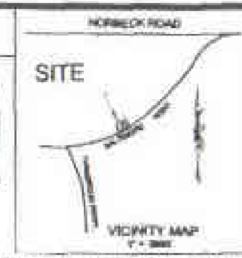
Engineer Notified (Pick up Mark-up):	SDS	12/7/07
Final Mylar w/Mark-up & PDF Rec'd:	SDS	12-17-07
Board Approval of Plat:		
Plat Agenda:	SDS	1-17-08
Planning Board Approval:	___	___
Chairman's Signature:	___	___
DPS Approval of Plat:		
Engineer Pick-up for DPS Signature:	___	___
Final Mylar for Reproduction Rec'd:	___	___
Plat Reproduction:		
Addressing:	___	___
File Card Update:	___	___
Final Zoning Book Check:	___	___
Update Address Books with Plat #:	___	___ No.___
Update Green Books for Resubdivision:	___	___
Notify Engineer to Seal Plats:	___	___
Engineer Seal Complete:	___	___
Complete Reproduction:	___	___
Sent to Courthouse for Recordation:	___	___

CALL TABLE (Forest Conservation Easement)		
Course	Bearing	Distance
FC1	S 80°10'31" E	143.19'
FC2	S 04°17'57" E	88.99'
FC3	Rad: 288.60' / Chd: S 18°06'51" W	Arc: 191.19' / 187.15'
FC4	Rad: 1362.50' / Chd: S 34°57'59" W	Arc: 72.65' / 72.64'
FC5	S 51°10'07" W	27.18'
FC6	S 76°52'34" W	15.40'
FC7	N 84°24'06" W	38.81'
FC8	N 56°10'42" W	19.83'
FC9	N 00°10'29" W	53.34'
FC10	N 38°38'34" W	51.88'
FC11	N 28°37'40" E	127.88'
FC12	N 61°22'20" W	14.00'
FC13	N 28°37'40" E	71.00'
FC14	N 61°22'20" W	15.00'
FC15	N 28°37'40" E	86.23'

NOTES

PLAT NO.

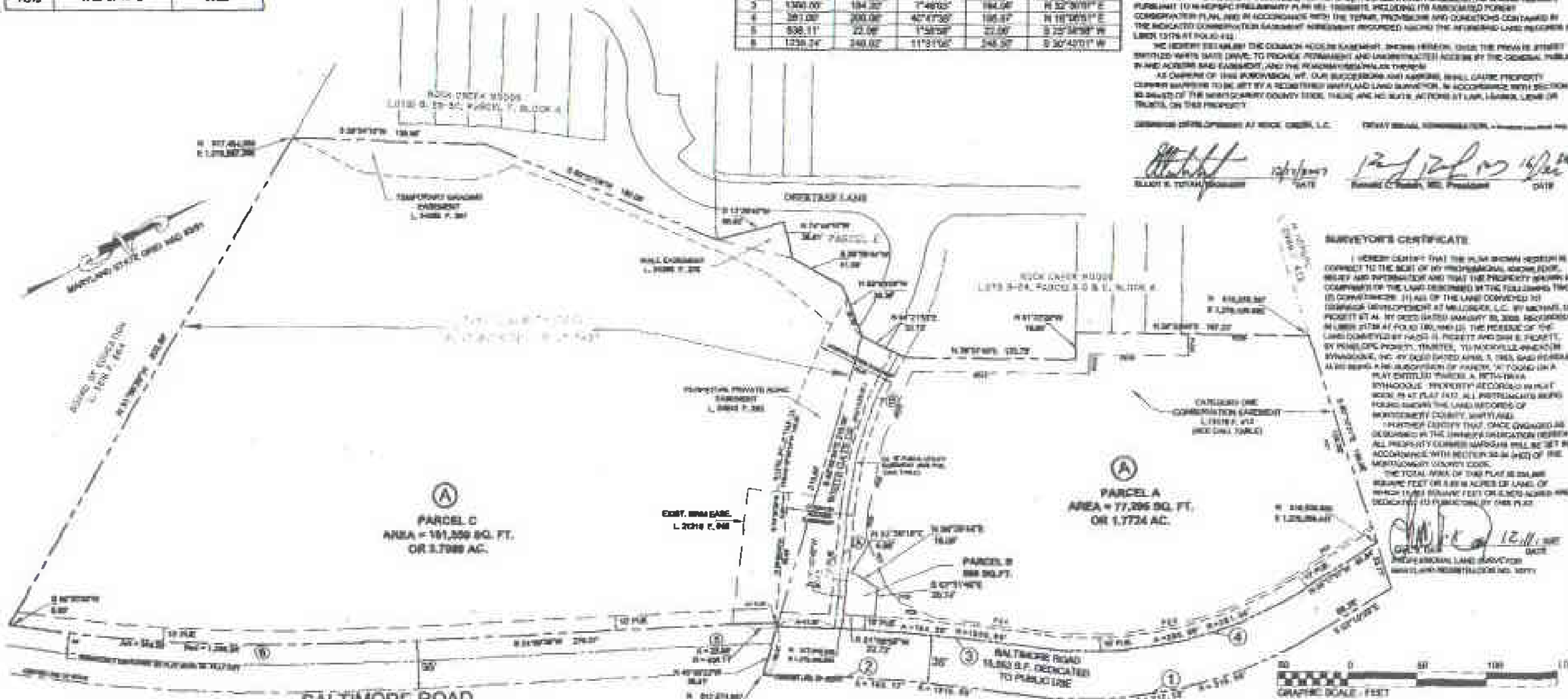
CALL TABLE - C.R. PUE		
Course	Bearing	Distance
A	N 88°00'42" W	88.59'
B	Rad: 278.33' / Chd: N 43°57'10" W	Arc: 117.10' / 116.30'



OWNER'S CERTIFICATE

CURVE DATA TABLE					
Curve	Radius	Length	Delta	Chord	Chord Bear.
1	316.00'	217.12'	39°29'21"	212.87'	S 18°34'18" W
2	1315.00'	185.12'	8°03'57"	184.97'	S 32°17'03" W
3	1390.00'	184.30'	7°48'03"	184.08'	N 32°30'51" E
4	281.00'	200.00'	40°47'30"	195.87'	N 16°08'51" E
5	838.11'	22.06'	1°30'30"	22.06'	S 25°38'38" W
6	1239.24'	248.02'	11°31'06"	246.97'	S 30°42'01" W

SURVEYOR'S CERTIFICATE



207157

SUBDIVISION RECORD PLAT

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD	MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF PERMITTING SERVICES	RECORDED
APPROVED:	APPROVED: ______ DATE	DATE
CHAIRMAN / ASST. SECRETARY TREASURER	BY: ______ DIRECTOR	
M-NCP&PC RECORD PLAT FILE NO.		PLAT NO.

Dewberry

203 Perry Parkway, Suite 1
Gaithersburg, MD 20877-2169
(301) 948-8300 Fax: (301) 258-7607

ROCK CREEK WOODS

PARCELS A, B & C, BLOCK A

ROCKVILLE (4th) ELECTION DISTRICT - MONTGOMERY COUNTY, MARYLAND

SCALE: 1"= 50' DATE: SEPT. 2007

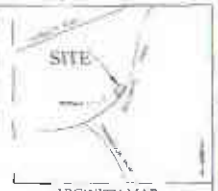
PRELIM: 120060010 SP: 820060070 M-NCP&PC: 207157 MCDPS:

ROCK CREEK WOODS
PRELIMINARY PLAN

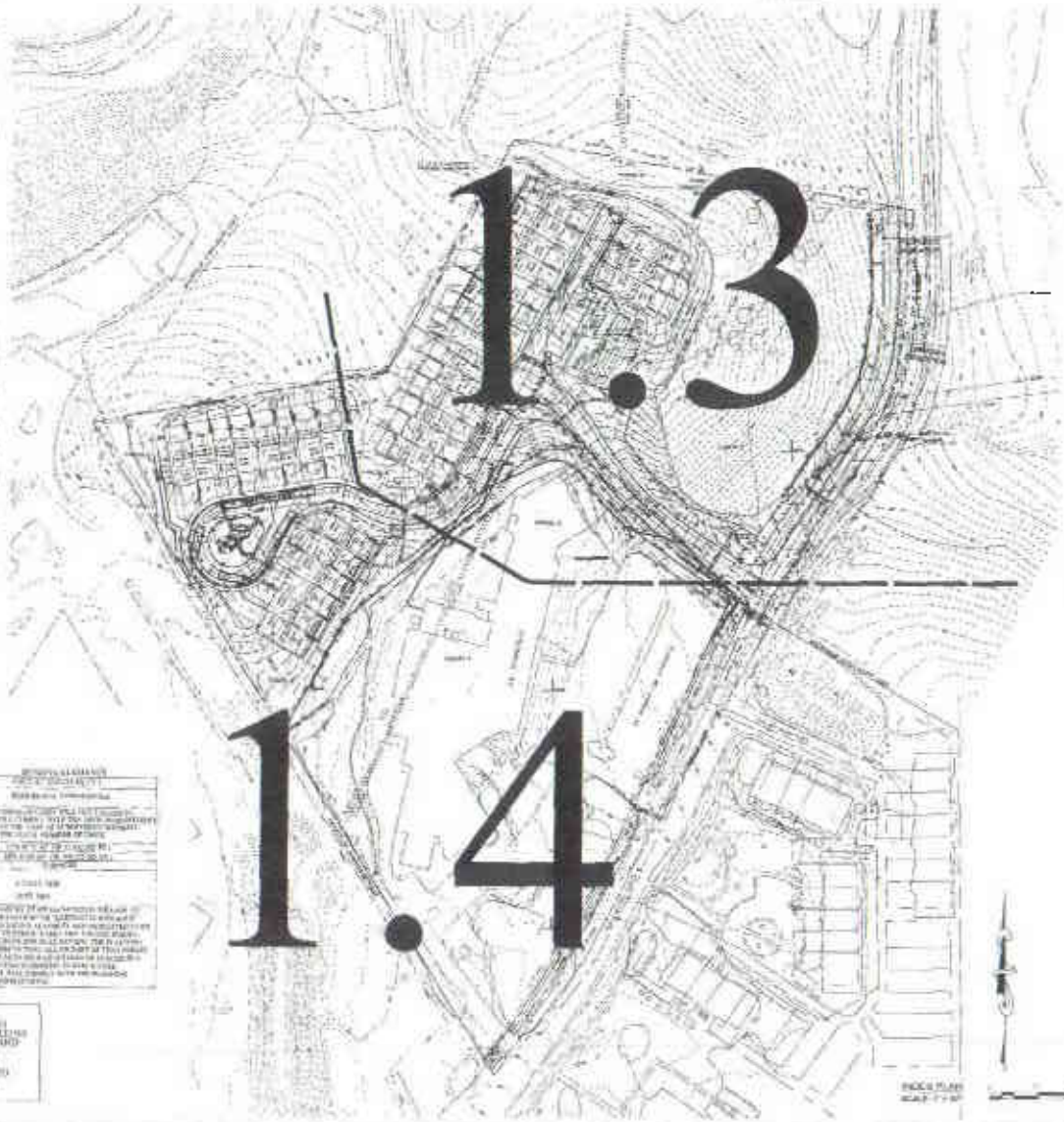
4TH ELECTION DISTRICT

MONTGOMERY COUNTY, MARYLAND

LEGAL DESCRIPTION
PARCEL N951 (EXISTING SYNAGOGUE)
PARCEL P885



VICINITY MAP
SCALE 1" = 2000'



Dewberry

ROCK CREEK WOODS
4TH ELECTION DISTRICT

OXBRIDGE DEVELOPMENT
@ ROCK CREEK, LC

1.3
1.4

PRELIMINARY PLAN
COVER SHEET

PP 1.1

P-316

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: AUG - 7 2006
Hearing Date: March 30, 2006
Action: Approved Staff Recommendation
Motion of Commissioner Robinson, seconded by Commissioner Bryant, with a vote of 4-0; Chairman Berlage and Commissioners Bryant, Perdue, and Robinson voting in favor. Commissioner Wellington abstained.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 120060100 formerly 1-06010
NAME OF PLAN: Rock Creek Woods

The date of this written opinion is AUG - 7 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).*

INTRODUCTION

On 8/01/05, Oxbridge Development ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RT- 8, R-200 zone. The application proposed to create 30 lots on 9.40 acres of land located at the northwest side of Baltimore Road, approximately 1300 feet north of the intersection with Twinbrook Parkway, in the Aspen Hill Master Plan area ("Subject Property"). The application was designated Preliminary Plan 120060100 formerly 1-06010 ("Preliminary Plan"). On 3/30/06, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the 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

PREVIOUS ZONING CASE

The 5.69-acre townhouse portion of the Subject Property was rezoned from the R-90 and R-200 zones to the RT-8 zone under Zoning Application No. G-822. It was determined by the District Council that the Subject Property was appropriate for development at the densities allowed under the RT-8 zone. The Schematic Development Plan (SDP) associated with the Zoning Application included binding elements that capped density at 30 units, which is below the maximum of 40 units that might be permitted per the zone. In addition, the Binding Elements require that a minimum of 12.5% MPDU's be included under the 30-unit cap. Building coverage is capped at 13%, well below the 35% standard for the zone, and green space is required to be a minimum of 68% of the site, greater than the 50% requirement of the zone. Setbacks were also increased beyond the standard minimums for the RT-8 zone. The SDP also gave the Planning Board the authority to request that the proposed open space be dedicated as parkland, or require that it be protected as private property under a conservation easement.

ADEQUACY OF PUBLIC SCHOOLS

In a letter dated February 22, 2006, the City of Rockville raised an issue concerning their recently adopted AGP as it relates to capacity of schools. The City requested clarification on the language in the Montgomery County AGP regarding the ability of the Planning Board to approve new development in school clusters that have reached certain thresholds. The letter highlighted an excerpt from the County AGP that reads as follows:

"Clusters in municipalities

If public school capacity will be inadequate in any school cluster that is wholly or partially located in Rockville, Gaithersburg, or Poolesville, the Planning Board may nevertheless approve residential subdivision in that cluster unless the respective municipality restricts the approval of similar subdivisions in its part of the cluster because of inadequate school capacity."

The City of Rockville contended that under their criteria, the local elementary school serving this area is beyond "program" capacity and therefore, the Board should not move forward with an approval of this subdivision. In staff's opinion, the County AGP does not support the finding of inadequate capacity as it is based on the capacity of the high school serving the cluster, and measures elementary school capacity on an area-wide basis, not on individual school program capacity. The County AGP does not recognize a capacity problem for this cluster and, therefore, the Board may find that the APFO test for schools is satisfied for this plan.

One of the binding elements of the rezoning case addressed forest retention. This binding element states "1.53 acres (66,650 sq. ft.) designated on this SDP as "Forest Retention" or "Existing Woodlands" will be retained as forest and dedicated in its entirety to public parkland, unless during subdivision or site plan review, the Planning Board directs that all or part of the forest or woodlands should instead be placed in a conservation easement, in which case applicant will comply with the Planning Board's instructions." The Applicant is proposing to retain the required 1.53 acres of forest by preserving 1.48 acres and 0.05-acres of woodland.

During the rezoning case there was concern over the loss of forest in a forest stand located between the proposed townhouses and Baltimore Road. This area is not in environmental buffer but is identified as a high priority area for forest retention. An existing driveway to serve the Park property to the north bounds this forest stand. The applicant's forest conservation plan retains the existing forest stand, except for forest along the public utility easement, removes the existing driveway, and shows planting in place of the driveway. The intent is to enlarge the existing forest stand.

The Applicant has retained the services of an arborist and a report was submitted as part of the rezoning case and revised as part of the preliminary and future site plan reviews. The report identifies the specimen trees to be removed and retained. The arborist report does not provide detailed tree-by-tree specific protection mechanisms, but a condition requiring these measures as part of a final forest conservation plan was recommended by staff. In addition, staff recommended that the Applicant be required to add indigenous plantings to enhance the existing species composition in the forest retention areas as recommended in the report.

MASTER PLAN CONFORMANCE AND STAFF RECOMMENDATION

Staff's review of the Preliminary Plan indicated that the plan conforms to the Aspen Hill Master Plan in that the development is a continuation of residential zoning for the property, albeit at a higher density as prescribed by the District Council.

Staff reviewed the plan for consistency with the Montgomery County Subdivision Regulations and the Montgomery County Zoning Ordinance and found that the plan conforms to all applicable requirements of these regulations. Staff recommended approval of the Preliminary Plan subject to conditions.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies[1]; the Applicant's position; and other

[1] 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.

1) Approval under this preliminary plan is limited to a maximum of 30 one-family attached units, including four (12.5%) moderately priced dwelling units.

2) Compliance with the binding elements of the Schematic Development Plan for Application No. G-822.

3) Compliance with the preliminary forest conservation plan conditions of approval. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.

4) Applicant to incorporate a detailed tree save plan, prepared by an ISA certified arborist, into the final forest conservation plan for all specimen trees impacted by the proposed limits of disturbance.

5) Applicant to plant supplemental native canopy trees within the retained forest, as recommended by the applicant's arborist report dated October 14, 2004.

6) Record plat(s) to reflect dedication of public roads as shown on the preliminary plan.

7) Prior to M-NCPPC acceptance of a record plat application, applicant shall provide proof of coordination with MCDPWT and MCDPS regarding upgrading Baltimore Road to County's primary residential standards.

8) At time of site plan, locate a 5 ft. sidewalk from access point on Baltimore Road south across Beth Tikva frontage to northernmost access drive into Rockville High School.

9) No clearing or grading prior to site plan signature set approval.

10) Final approval of the number and location of units, on-site parking, site circulation, sidewalks and trails will be determined at site plan.

11) Final number of MPDU's to be determined at site plan in accordance with condition #10.

12) A landscape and lighting plan must be submitted as part of the site plan application for review and approval.

13) Record plat to reflect a public use easement, on all private streets shown on the preliminary plan.

CERTIFICATION OF BOARD ADOPTION OF OPINION

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 Chairman Berlage abstaining, and Commissioner Byrant 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 No. 120060100, Rock Creek Woods.**

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

ROCK CREEK WOODS
CERTIFIED SITE PLAN

4TH ELECTION DISTRICT

MONTGOMERY COUNTY, MARYLAND

LEGAL DESCRIPTION
PARCEL N951 (EXISTING SYNAGOGUE)
PARCEL P695

SITE

VICINITY MAP

SHEET INDEX

SITE PLAN	LANDSCAPE PLAN	LIGHTING PLAN
SP 1.1 COVER SHEET	LS 1.1 COVER SHEET	LS 1.1 LIGHTING PLAN
SP 1.2 NOTES & DETAILS	LS 1.2 NOTES & DETAILS	
SP 1.3 PLAN SHEET	LS 1.3 PLAN SHEET	
SP 1.4 PLAN SHEET	LS 1.4 PLAN SHEET	

11-01-06
DATE

1.3

1.4

NOTES

Dewberry

ROCK CREEK WOODS
4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

1.3
1.4

SITE PLAN
COVER SHEET

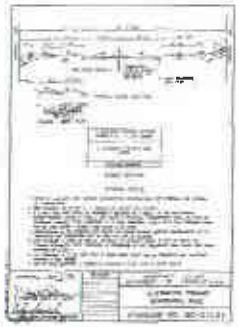
820060070

SP 1.1

RECREATION CALCULATIONS

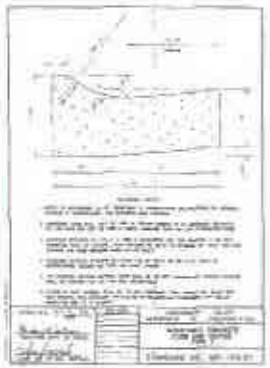
	TOTS	CHILDREN	TEENS	ADULTS	SENIORS
Demand Points					
Supply Points					
Total Supply Points	6.01	8.32	8.56	42.42	7.95

TRUCK TURNING RADIUS ANALYSIS
SCALE: 1"=20'

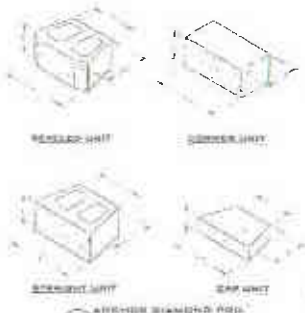


TYPICAL SECTION FOR BALTIMORE ROAD

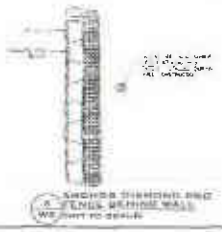
CURB AT DRIVE AND PARKING AREAS



CURB AT DRIVEWAY APRONS



ANCHOR DIAMOND PRO
A. GEOMETRIC BLOCK VIEWS
NOT TO SCALE



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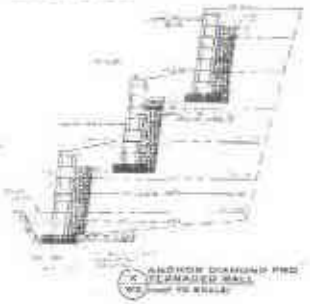
NOT TO SCALE



ANCHOR DIAMOND PRO
A. TERRACED WALL
NOT TO SCALE

Anchor RETAINING WALL SYSTEMS OR APPROVED EQUAL

IMAGES OF SAMPLE RETAINING WALLS

Dewberry
DEWBERRY & DAVIS LLC
8401 ARLINGTON BLVD
FAIRFAX, VA 22031-4666
PH 703 849 0100
FX 703 205 1501
www.dewberry.com

INTELLIGENT COMMUNITIES
TECHNOLOGY DEVELOPMENT
8401 ARLINGTON BLVD
FAIRFAX, VA 22031-4666
PH 703 849 0100
FX 703 205 1501

ROCK CREEK WOODS

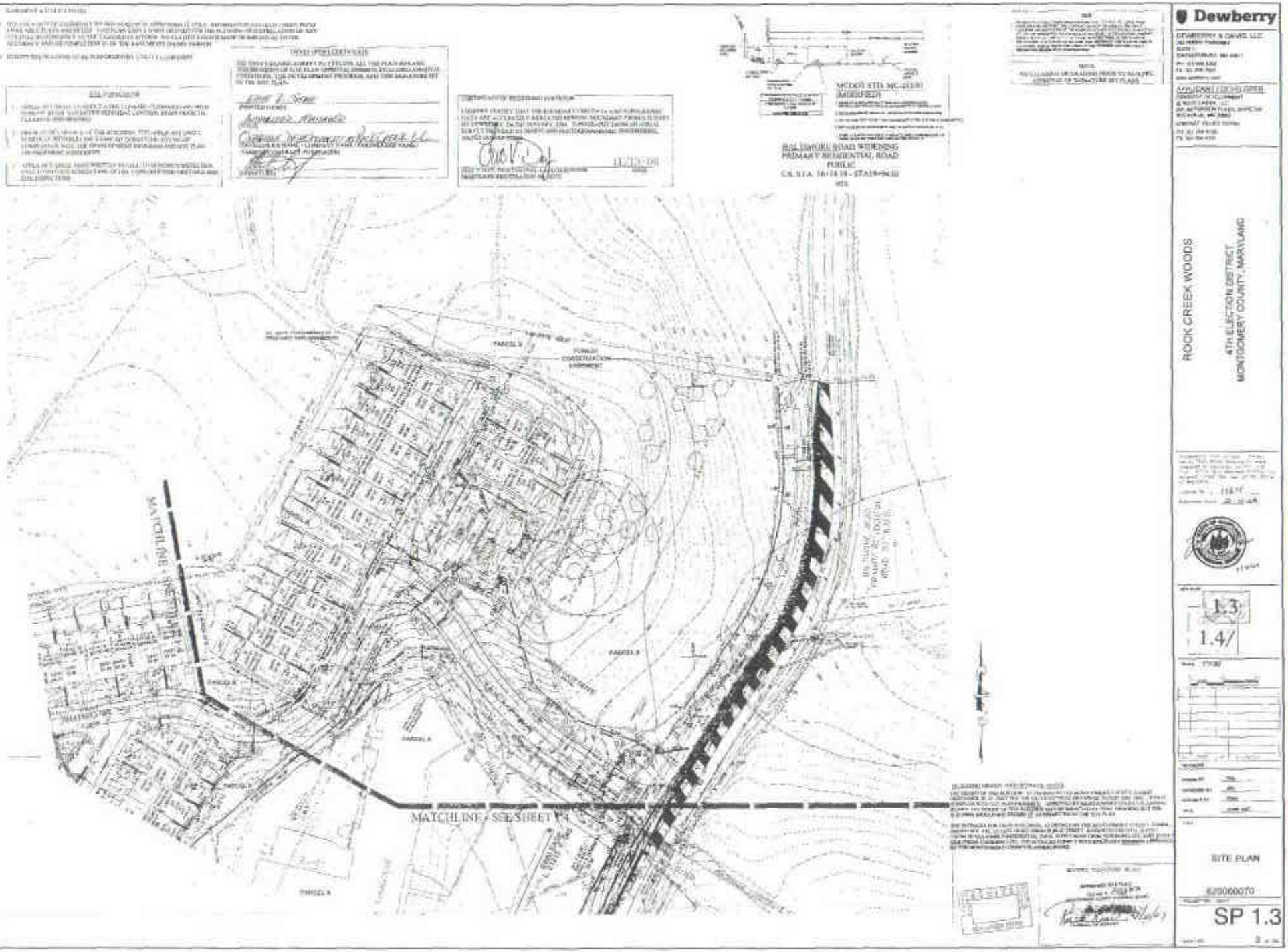
4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

1.3
1.4

SITE PLAN NOTES & DETAILS

820060070

SP 1.2



Dewberry

DEWBERRY & DAVIS, LLC

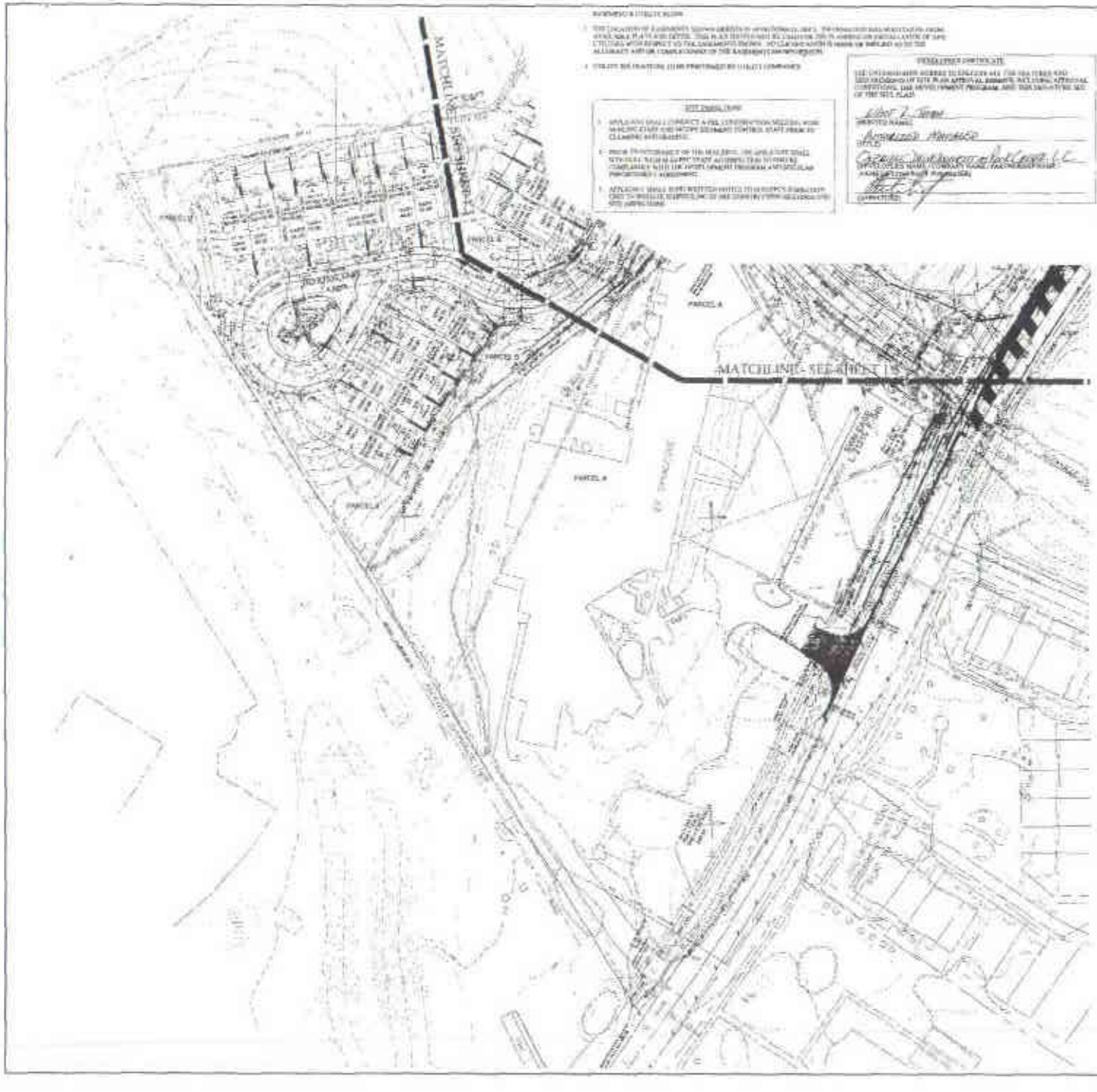
ROCK CREEK WOODS

4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

1.3
1.4

SITE PLAN

SP 1.3



Dewberry

ROCK CREEK WOODS

6TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

13
14

SITE PLAN

820060070

SP 1.4

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

OCT 3rd 2006

MCPB No. 06-15
Site Plan No. 820060070
Rock Creek Woods
Hearing Date: April 20, 2006

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 an 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 the requirements of Code Section 59-D-3.4(c); and

WHEREAS, on August 1, 2005, Oxbridge Development at Rock Creek, LC (the "Applicant") filed an application for approval of a site plan for a maximum of 30 townhouse dwelling units, of which four (4) are Moderately Priced Dwelling Units (MPDUs), on 5.68 gross acres of RT-8-zoned land located on the northwest side of Baltimore Road approximately 1300 feet north of the intersection of Baltimore Road and Twinbrook Parkway ("Property" or "Subject Property"); and

WHEREAS, on March 30, 2006, the Planning Board approved Preliminary Plan No. 120060100 for the proposed development; and

WHEREAS, the Applicant's site plan application was designated Site Plan No. 820060070, Rock Creek Woods (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 20, 2006, Staff presented the Amendment to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, on April 7, 2006, Staff had issued a memorandum to the Board setting forth its analysis of, and recommendation for approval of, the Application 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 Application and approved the Application on the motion of Commissioner Robinson, seconded by Commissioner Wellington, with Chairman Berlage and Commissioners Bryant, Robinson, and Wellington voting in favor of 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. 820060070 for a maximum of 30 townhouse dwelling units, of which four (4) are MPDUs, subject to the following conditions:

1. Development Plan

   The proposed development shall comply with the binding elements of the Schematic Development Plan associated with Zoning Application No. G-822.

2. Preliminary Plan Conformance

   The proposed development shall comply with the conditions of approval for Preliminary Plan No. 120060100.

3. Site Design

   a. Provide building setbacks and the 35-foot right-of-way from the centerline for Baltimore Road on the Site Plan.

   b. Provide dimensions of the internal driveways for individual units on the Site Plan. The length of the driveway shall be a minimum of 18 feet.

   c. The data table on the Site Plan shall be revised to match the data table in the Staff Report.

   d. The recreation table on the Site Plan shall be revised to match the recreation table in the Staff Report.

4. Lighting

a. All light fixtures shall be full cut-off fixtures or be able to be equipped with refractors, reflectors, or shields.

b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent school and synagogue.

c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line.

d. The height of the light poles shall not exceed 14 feet including the mounting base.

e. The light pole along the entrance of the property (B-1) shall be relocated so that the illumination levels do not exceed 0.5 footcandles (fc) along Baltimore Road.

5. Pedestrian Circulation

a. Extend the five-foot-wide sidewalk within the Baltimore Road right-of-way from the proposed driveway to the existing sidewalk on the Rockville High School site.

b. Provide a four-foot-wide natural surface trail connection from the private street for the townhouses to the existing gravel road within Rock Creek Park to the north of the subject property.

6 Transportation

The Applicant shall comply with the following conditions of approval from M-NCPPC Transportation Planning in the memorandum dated March 15, 2006:

Comply with the requirements of Montgomery County Department of Public Works and Transportation (DPWT) and the Montgomery County Department of Permitting Services (DPS) to upgrade Baltimore Road to County's primary residential street standards with dedication for at least 35 feet of right-of-way from its centerline in accordance with DPWT's letter dated March 7, 2006.

7. Forest Conservation

The Applicant shall comply with the following conditions of approval from M-NCPPC Environmental Planning in the memorandum dated March 9, 2006:

a. Compliance with the preliminary forest conservation plan conditions of approval.

b. Applicant to incorporate a detailed tree save plan, prepared by an ISA certified arborist, into the Final Forest Conservation Plan for all specimen trees impacted by the proposed limits of disturbance.

c. Applicant to plant supplemental native canopy trees within the retained forest, as recommended by the applicant's arborist.

d. The Forest Conservation Plan shown on Sheet 1.3 of the site plan shall be revised to match the Forest Conservation Plan submitted with the Preliminary Plan.

e. The 1.53 acres designated as "Forest Conservation Area" shall be dedicated in its entirety to public parkland.

8. Stormwater Management

The proposed development is subject to the Stormwater Management Concept approval conditions dated November 12, 2004.

9. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant shall provide verification to M-NCPPC staff prior to issuance of the first building permit that the Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

10. Development Program

The Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

a. Street trees shall be planted along with the construction of units but no later than six (6) months following completion.

b. All retaining walls, landscaping, stormwater management, forestation, and sediment/erosion control shall be completed along with the construction of units but no later than six (6) months following completion.

c. All community-wide pedestrian pathways, sidewalks, trails and recreation facilities shall be completed prior to issuance of the 23rd building permit (70 percent of the construction) for the proposed townhouses.

d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

11. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified plans.

12. MPDUs

a. Consistent with the requirements of Code Chapter 25A, the Applicant shall provide 12.5 percent, or four (4), MPDUs on-site.

b. The MPDU Agreement shall be executed prior to the release of the first building permit.

13. Certified Site Plan

Prior to approval of the Certified Site Plans, the following revisions shall be included and/or information provided, subject to M-NCPPC staff review and approval:

a. Development program, inspection schedule, and Site Plan Opinion.

b. Limits of disturbance.

c. Methods and locations of tree protection.

d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

BE IT FURTHER RESOLVED, that all site development elements shown on the Rock Creek Woods plans received by M-NCPPC on March 2, 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 Application 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 Application, as modified by the conditions, conforms with the binding elements and general layout provided in the Schematic Development Plan associated with Zoning Application No. G-822.

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 Application, as modified by the conditions, meets all of the requirements of the RT-8 zone. In reaching its finding, the Board relied in part on the data tables and other relevant information contained in the Staff Report describing the requirements of the RT-8 Zone. The development standards approved by the Planning Board are set forth in the "Development Data Table" on the following page.

   In addition, the Planning Board finds that the "Recreation Calculations" table provided on page 11 of the Staff Report and referenced in Condition 3(d) above should be amended to clarify that the Applicant will be providing one gazebo with two sitting areas.

Development Data Table

Development Standard	Approved by Planning Board for Site Plan No. 820060070 and Binding on Applicant
Zone	RT-8
Gross Tract Area	5.68 acres (247,735 sq. ft.)
ROW Dedication	0.36 acres (16,098 sq. ft.)
Net Lot Area	5.32 acres (231,637 sq. ft.)
Development Density	30 dwelling units (26 market rate units and 4 MPDUs)
MPDUs	4
Minimum Lot Area	
MPDUs	1,447 sq. ft.
Market rate	1,920 sq. ft.
Minimum Building Setbacks	
From public street	220 feet
From single-family residential zone	N/A
From adjoining lot – side	20 feet
From adjoining lot – rear	21 feet
Maximum Building Height	35 feet[1]
Maximum Building Coverage	13 percent (0.75 acres/32,832 sq. ft.)
Minimum Green Area	76 percent (4.32 acres/188,232 sq. ft.)
Parking	*72 spaces (2.4 spaces/unit)*
Garage parking spaces	30
Driveway parking spaces	30
Surface parking spaces	12
Forest Conservation	1.53 acres[2] (combination of 1.48 acres of forest retention and 0.05 acres of woodland retention)

[1] As measured from the average elevation of finished ground surface along the front of the building to the highest point of roof surface of a flat roof, or to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof.

[2] See Condition 7(e).

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 Application, as modified by the conditions, are adequate, safe, and efficient.

a. Buildings and Structures

The proposed townhouses are located in the northern portion of the site to take maximum advantage of the views of the adjacent Rock Creek Park, to avoid building on areas with moderately steep slopes, and to minimize noise and visual impacts to the adjacent Rockville High School and Beth Tikva Synagogue. Retaining walls are proposed along the western and southern sides of the townhouse development and along Baltimore Road to address steep slope and grading issues. The townhouse bays consist of three, six, and seven units. The MPDUs are dispersed throughout the development.

b. Open Spaces

The Schematic Development Plan associated with Zoning Application No. G-822 requires a minimum of 68 percent of green area. The Applicant has provided 76 percent of green area. The green area and open spaces are strategically located along the neighboring Rock Creek Park property to maximize views of the Park and provide continuity of the open space. The open space and landscape buffers along the property lines are adequate to screen the townhouses from the adjacent properties. The proposed recreational area provides open space along the private streets. A stormwater management pond is proposed along the eastern side of the proposed townhouses. DPS has recommended approval of the stormwater management concept plan.

c. Landscaping and Lighting

The landscaping proposed in the Application provides trees along the access road and internal street and adequately screens the townhouses from the adjacent existing synagogue and school as well as Baltimore Road. The entrance to the site and the recreational areas are landscaped with a combination of trees, shrubs, and perennials.

Pole-mounted light fixtures are proposed along the access road and internal street. The light poles will feature Gardco lighting fixtures and will stand 14 feet high.

d. Recreation Facilities

Recreation demand is satisfied as shown in the "Recreation Calculations" table contained in the Staff Report. A recreational area consisting of a picnic area, an open play area, and a gazebo with four benches is proposed within the cul-de-sac area. It is located to be easily accessible from all of the townhouse units and is landscaped with a combination of trees, shrubs, and perennials to provide an attractive setting to encourage social contact. The open play area and picnic areas provide opportunities for active and passive recreation. The location of the recreational area within the cul-de-sac and the accompanying landscaping ensure that there are minimal noise and visual impacts to the proposed townhouses and adjacent properties. The proposed recreation area is adequate in terms of location, layout, quantity, and quality.

e. Pedestrian and Vehicular Circulation Systems

The access road from Baltimore Road and the internal street are designed as private streets with a 20-foot-wide pavement width and five-foot-wide sidewalks for safe and efficient pedestrian circulation. The cul-de-sac in the northwestern portion of the site provides an adequate turning radius for fire trucks. Visitor parking is conveniently located along the internal streets. A four-foot-wide trail connection is provided along the northern portion of the site to connect to Rock Creek Park.

A five-foot-wide sidewalk is proposed from the access point on Baltimore Road to the south, across the Beth Tikva Synagogue frontage, to the northernmost access drive for Rockville High School. This sidewalk will provide a safe pedestrian path along Baltimore Road.

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 the structures and uses proposed in the Application, as modified by the conditions, are compatible with other uses and site plans and with existing and proposed adjacent development. The location and orientation of the townhouses along the northern portion of the site avoids noise and visual impacts to the adjacent existing synagogue and school. The proposed landscaping adequately screens the townhouses from the adjacent

properties. A five-foot-wide sidewalk along Baltimore Road will provide a pedestrian path connecting the proposed development to the Beth Tikva Synagogue and Rockville High School. The townhouses are located in the northern portion of the site to take maximum advantage of the views of the adjacent Rock Creek Park, while the similar placement of the green area along Rock Creek Park provides continuity for the open space.

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 Planning Board finds that the Application meets all applicable requirements of Chapter 22A. The Application proposes the retention of 1.48 acres of forest and 0.05 acres of woodland, resulting in a 1.53-acre "Forest Conservation Area." The size of the proposed combination retention area complies with the requisite binding element contained in the Schematic Development Plan. The Applicant has submitted an arborist's report that recommends additional indigenous plantings to enhance the existing species composition in the retained forest.

The 0.08-acre stream buffer along the eastern portion of the Subject Property will be impacted by the removal of 0.07 acres of forest within the public utility easement that parallels Baltimore Road. The removal of the forest is necessary to provide a clear path for utilities. There are no other proposed encroachments into the stream buffer.

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 OCT 31 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, September 7, 2006**, 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 Commissioner Wellington, and with Commissioners

Bryant, Robinson, and Wellington voting in favor, and with Chairman Hanson and Commissioner Perdue abstaining. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Site Plan No. 820060070, Rock Creek Woods.**

Adopted by the Montgomery County Planning Board this 7th day of September, 2006.

Royce Hanson
Chairman, Montgomery County Planning Board

Trudye M. Johnson
Executive Director

PLAT NO. 220080530 - 220080540

Greenway Village
Located on the south side of Skylark Road, approximately 3,400 feet west of Ridge Road (MD 27)
PD-4 zone; 6 parcels
Community Water, Community Sewer
Master Plan Area: Clarksburg
The Artery Group, Applicant

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

PB date: 1/17/08

RECORD PLAT REVIEW SHEET

Plan Name: Greenway Village @ Clarksburg Plan Number: 120020338
Plat Name: Greenway Village Plat Number: 220080530
Plat Submission Date: 9-14-07
DRD Plat Reviewer: S. Swift
DRD Prelim Plan Reviewer: C. Conlon

Initial DRD Review:
Signed Preliminary Plan – Date 7/21/06 Checked: Initial CAC Date 12/12/07
Planning Board Opinion – Date 4-26-06 Checked: Initial SJS Date 10-17-07
Site Plan Req'd for Development? Yes ✓ No ___ Verified By: SJS (initial)
Site Plan Name: Greenway Village @ Clarksburg Site Plan Number: 820040220A
Planning Board Opinion – Date 8-6-06 Checked: Initial SJS Date 10/17/07
Site Plan Signature Set – Date 9-11-06 Checked: Initial SJS Date 10-17-07
Site Plan Reviewer Plat Approval: Checked: Initial RAK Date 1.4.08

Review Items: Lot # & Layout ok Lot Area ok Zoning ok Bearings & Distances ✓
Coordinates ✓ Plan # ✓ Road/Alley Widths ✓ Easements ok Open Space ok
Non-standard BRLs N/A Adjoining Land ✓ Vicinity Map ✓ 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	D. Tibbets	9-24-07	10/12/07	1-2-08	No Revisions
Research	Bobby Fleury	↓	↓	9-26-07	Add Corner Coordinates
SHA	Doug Mills				
PEPCO	Steve Baxter			10-18-07	OK
Parks	Doug Powell			9-27-07	Remove Cat I easement
DRD	Nellie Carey	✓	✓		

Final DRD Review:	Initial	Date
DRD Review Complete: (All comments rec'd and incorporated into mark-up)	SJS	1-4-08
Engineer Notified (Pick up Mark-up):	SJS	12/10/07
Final Mylar w/Mark-up & PDF Rec'd:	SJS	12-28-07
Board Approval of Plat:		
Plat Agenda:	SJS	1-17-04
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 #:	___	___ No. ___
Update Green Books for Resubdivision:	___	___
Notify Engineer to Seal Plats:	___	___
Engineer Seal Complete:	___	___
Complete Reproduction:	___	___
Sent to Courthouse for Recordation:	___	___

PLAT NO.: _____

OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE PROPERTY SHOWN HEREON, AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HEREBY ADOPTS THIS SUBDIVISION RECORD PLAT, GRANTS PUBLIC UTILITY EASEMENTS, AS SHOWN HEREON AND DESIGNATED AS "P.U.E." TO THE PARTIES LISTED AND WITH THE TERMS AND PROVISIONS BEING SET FORTH IN THAT CERTAIN DOCUMENT ENTITLED "DECLARATION OF PUBLIC UTILITY EASEMENT", RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 38134 AT FOLIO 457, WHICH SAID TERMS AND PROVISIONS ARE INCORPORATED HEREIN, BY THIS REFERENCE; GRANTS TO MONTGOMERY COUNTY, MARYLAND, PUBLIC IMPROVEMENT EASEMENTS, AS SHOWN HEREON, AND DESIGNATED AS "P.I.E." WITH THE TERMS AND PROVISIONS OF SAID EASEMENTS BEING SET FORTH IN THAT CERTAIN DOCUMENT ENTITLED "DECLARATION OF PUBLIC IMPROVEMENT EASEMENTS" RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 33417 AT FOLIO 312, WHICH SAID TERMS AND PROVISIONS ARE INCORPORATED HEREIN BY THIS REFERENCE; GRANTS TO MONTGOMERY COUNTY, MARYLAND TEMPORARY SLOPE EASEMENTS 25 FEET OFF AS SHOWN HEREON, ADJACENT, CONTIGUOUS, AND PARALLEL TO THE STREET RIGHT OF WAY LINES, SAID TEMPORARY SLOPE EASEMENTS SHALL BE TERMINATED AFTER ALL PUBLIC IMPROVEMENTS ADJOINING SAID EASEMENTS HAVE BEEN LAWFULLY COMPLETED AND ACCEPTED FOR MAINTENANCE BY MONTGOMERY COUNTY, MARYLAND. SUBJECT TO ALL CURRENT AND APPLICABLE REGULATIONS OF ALL FEDERAL, STATE AND LOCAL GOVERNING AGENCIES.

THE OWNERS CERTIFY THAT A LICENSED LAND SURVEYOR WILL BE ENGAGED TO SET ALL PROPERTY CORNER MARKERS IN ACCORDANCE WITH SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS OR TRUSTS ON THE PROPERTY INCLUDED IN THIS SUBDIVISION RECORD PLAT, EXCEPT A CERTAIN DEED OF TRUST RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 21030 AT FOLIO 517 AND THE PARTIES IN INTEREST THEREIN HAVE BELOW INDICATED THEIR ASSENT.

CLARKSBURG SKYLARK, LLC.
A MARYLAND LIMITED LIABILITY COMPANY
BY: ARTERY-BEAZER CLARKSBURG, LLC.
A MARYLAND LIMITED LIABILITY COMPANY, MEMBER

BY: ARTERY CLARKSBURG, LLC
A MARYLAND LIMITED LIABILITY COMPANY, MEMBER
MEMBER OF ARTERY-BEAZER CLARKSBURG, LLC

BY: THE ARTERY GROUP, LLC
A MARYLAND LIMITED LIABILITY COMPANY, MANAGING MEMBER

DATE: 12/17/07

WITNESS: _____ BY: _____
BERNARD J. RAFFERTY, SR. VICE PRESIDENT

BY: BEAZER CLARKSBURG, LLC.
A MARYLAND LIMITED LIABILITY COMPANY,
MEMBER OF ARTERY-BEAZER CLARKSBURG, LLC

BY: BEAZER HOMES CORP.,
A TENNESSEE CORPORATION, SOLE MEMBER

DATE: 12/13/07

WITNESS: _____ BY: _____
LAWRENCE SWINEY, PRESIDENT
MARYLAND DIVISION

WE HEREBY ASSENT TO THIS PLAT OF SUBDIVISION.

Date: 12/20/07 _____ _____
WITNESS TRUSTEE

DATE: 12/20/07 _____
TERENCE E. SHYLER TRUSTEE

SURVEYOR'S CERTIFICATE

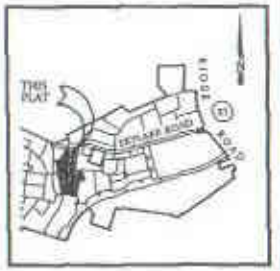
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF PART OF THE PROPERTY ACQUIRED BY CLARKSBURG SKYLARK, L.L.C., A MARYLAND LIMITED LIABILITY COMPANY FROM ESTELLE DANIEL, ET AL., BY DEED DATED MARCH 26, 2001 AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 18156 AT FOLIO 640; I FURTHER CERTIFY THAT IF ENGAGED, I WILL SET ALL PROPERTY CORNER MARKERS IN ACCORDANCE WITH SECTION 50-24(e) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

I FURTHER CERTIFY THAT THE 100 YEAR FLOOD PLAIN SHOWN HEREON IS AN ACCURATE REPRESENTATION OF THE FLOOD PLAIN STUDY REFERENCED IN NOTE #15.

THAT THE TOTAL AREA ENCLOSED IN THIS SUBDIVISION RECORD PLAT IS 481,785 SQUARE FEET OR 11.06 ACRES OF LAND. THERE IS NO STREET DEDICATION BY THIS PLAT.

DATE: 12.14.2007

HOWARD L. COLLIER
PROFESSIONAL LAND SURVEYOR
MARYLAND No. 20914



VICINITY MAP
SCALE: 1"=2,000'

NOTES:

1. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE OF THIS PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO REFLECT ON NOTE #12, MATTERS AFFECTING TITLE.

2. THE PROPERTY SHOWN HEREON IS SUBJECT TO CHAPTER 22A OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW, REQUIRING APPROVAL OF A FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGIA AVENUE, SILVER SPRING, MARYLAND.

3. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN OR SITE PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

4. THIS DEVELOPMENT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS ONLY.

5. THIS SUBDIVISION IS SUBJECT TO A SITE PLAN ENFORCEMENT AGREEMENT SITE PLAN #820040220 (FORMERLY #8-04002A) SKYFIELD GREENWAY VILLAGE AT CLARKSBURG.

6. APPROVED PRELIMINARY PLAN #120050330 (FORMERLY #1-05033P), SITE PLANS AND FINAL FOREST CONSERVATION PLAN #820040220A, SKYFIELD GREENWAY VILLAGE AT CLARKSBURG.

7. PROPERTY IS ZONED PD-4.

8. WSSC GRID SCALE REFERENCE: 232 NW 12

9. PARCEL K, BLOCK Q IS TO BE CONVEYED TO THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

10. PARCEL M, BLOCK Q IS TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION.

11. PARCEL L, BLOCK Q IS SUBJECT TO A DECLARATION OF COVENANTS FOR PRIVATE OPEN SPACE AND PRIVATE STORM DRAINS, RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 33417 AT FOLIO 312.

12. PRIVATE STREETS AND PRIVATE OPEN SPACES WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION. MONTGOMERY COUNTY, MARYLAND WILL NOT PARTICIPATE IN THE MAINTENANCE OF THESE PRIVATE FACILITIES.

13. THIS SITE IS SUBJECT TO AN AGREEMENT WITH THE MONTGOMERY COUNTY PLANNING BOARD REGARDING ADEQUATE PUBLIC FACILITIES.

14. ACCESS TO PARCEL K, BLOCK Q IS HEREBY ASSURED OVER PARCEL L, BLOCK Q.

15. THE SOURCE OF THE 100 YEAR FLOOD PLAIN SHOWN HEREON IS A FLOOD PLAIN STUDY BY CHARLES P. JOHNSON & ASSOC., DATED NOVEMBER, 2001 AND APPROVED BY DPS IN A LETTER DATED FEBRUARY 13, 2002.

CURVE TABLE

CURVE	RADIUS	ARC	DELTA	TANGENT	BEARING	CHORD
1	825.00	165.37	11°29'13"	82.79	S13°24'23"E	165.12
2	746.75	115.72	8°52'55"	57.98	S76°01'17"E	115.61
3	814.08	227.58	16°01'06"	114.58	S81°55'15"E	226.85
4	825.00	110.67	7°41'25"	55.37	S12°55'55"E	110.60
5	675.00	133.59	11°20'20"	66.94	S18°35'13"E	133.37
6	250.00	32.80	7°31'05"	16.44	S26°51'25"E	32.78
7	550.00	158.84	16°32'58"	80.04	S30°32'42"E	158.43
8	250.00	151.98	34°49'44"	78.00	S08°37'11"E	149.65

AREA TABULATION

LOTS:	N/A
PARCELS:	481,785 ± OR 11.06 Ac.
STREET DEDICATION:	N/A
TOTAL AREA:	481,785 ± OR 11.06 Ac.

SCALE: 1" = 80'

SUBDIVISION RECORD PLAT

PARCELS K, L & M BLOCK Q

GREENWAY VILLAGE

CLARKSBURG (2ND) DISTRICT
MONTGOMERY COUNTY, MARYLAND
DECEMBER, 2007 SCALE: 1"=80'

CPJ Associates — Charles P. Johnson & Associates, Inc.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD	DEPARTMENT OF PERMITTING SERVICES, MONTGOMERY COUNTY
APPROVED: _____	APPROVED: _____ DATE
CHAIRMAN ASST. SECRETARY-TREASURER	DIRECTOR
M-NCPPC Record File No.	RECORDED: _____ PLAT NO.: _____

3 PARCELS
TAX MAP EW
2-08053

Dwg: w:\31200\dwg\15-60.dwg

RECORD PLAT REVIEW SHEET

Plan Name: Greenway Village @ Clarksburg Plan Number: 170020338
Plat Name: Greenway Village Plat Number: 220080540
Plat Submission Date: 9/24/07
DRD Plat Reviewer: S. Smith
DRD Prelim Plan Reviewer: C. Conlon

Initial DRD Review:
Signed Preliminary Plan – Date 7/21/06 Checked: Initial CPC Date 12/12/07
Planning Board Opinion – Date 4-25-06 Checked: Initial SDS Date 10-18-07
Site Plan Req'd for Development? Yes ✓ No ___ Verified By: SDS (initial)
Site Plan Name: Greenway Village @ Clarksburg Site Plan Number: 820040220
Planning Board Opinion – Date 5-9-06 Checked: Initial SDS Date 10-18-07
Site Plan Signature Set – Date 9-11-06 Checked: Initial SDS Date 10-18-07
Site Plan Reviewer Plat Approval: Checked: Initial RAK Date 1-4-08

Review Items: Lot # & Layout ok Lot Area ok Zoning ok Bearings & Distances ✓
Coordinates ok Plan # ✓ Road/Alley Widths ok Easements ok Open Space ok
Non-standard BRLs N/A Adjoining Land ✓ Vicinity Map ✓ 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	D Johnson	9-24-07	10-12-07	1-2-08	No Revisions
Research	Bobby Fleury			9-26-07	OK
SHA	Doug Mills				
PEPCO	Steve Baxter			10-18-07	OK
Parks	Doug Powell			9-27-07	Remove Conservation Easement
DRD	Nellie Carey				

Final DRD Review:	**Initial**	**Date**
DRD Review Complete: (All comments rec'd and incorporated into mark-up)	SDS	1-4-08
Engineer Notified (Pick up Mark-up):	SDS	12/10/07
Final Mylar w/Mark-up & PDF Rec'd:	SDS	12-28-07
Board Approval of Plat:		
Plat Agenda:	SDS	1-17-08
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 #:	___	___ No.___
Update Green Books for Resubdivision:	___	___
Notify Engineer to Seal Plats:	___	___
Engineer Seal Complete:	___	___
Complete Reproduction:	___	___
Sent to Courthouse for Recordation:	___	___

OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE PROPERTY SHOWN HEREON, AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HEREBY ADOPTS THIS SUBDIVISION RECORD PLAT, ESTABLISHES THE MINIMUM BUILDING RESTRICTION LINES, SUBJECT TO ALL CURRENT AND APPLICABLE REGULATIONS OF ALL FEDERAL, STATE AND LOCAL GOVERNING AGENCIES.

THE OWNER CERTIFIES THAT A LICENSED LAND SURVEYOR WILL BE ENGAGED TO SET ALL PROPERTY CORNER MARKERS IN ACCORDANCE WITH SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS OR TRUSTS ON THE PROPERTY INCLUDED IN THIS SUBDIVISION RECORD PLAT, EXCEPT A CERTAIN DEED OF TRUST AND THE PARTIES IN INTEREST THERETO HAVE BELOW INDICATED THEIR ASSENT.

CLARKSBURG SKYLARK, LLC,
A MARYLAND LIMITED LIABILITY COMPANY
BY: ARTERY-BEAZER CLARKSBURG, LLC,
A MARYLAND LIMITED LIABILITY COMPANY, MEMBER

BY: ARTERY CLARKSBURG, LLC
A MARYLAND LIMITED LIABILITY COMPANY, MEMBER
MEMBER OF ARTERY-BEAZER CLARKSBURG, LLC

BY: THE ARTERY GROUP, LLC
A MARYLAND LIMITED LIABILITY COMPANY, MANAGING MEMBER

DATE: 12/20/07

WITNESS: _____ BY: _____
BERNARD J. RAFFERTY
SR. VICE PRESIDENT

BY: BEAZER CLARKSBURG, LLC
A MARYLAND LIMITED LIABILITY COMPANY,
MEMBER OF ARTERY-BEAZER CLARKSBURG, LLC

BY: BEAZER HOMES CORP.
A TENNESSEE CORPORATION, SOLE MEMBER

DATE: 12/19/07

WITNESS: _____ BY: _____
DANIEL T. LARNEY, PRESIDENT
MARYLAND DIVISION

WE HEREBY ASSENT TO THIS PLAT OF SUBDIVISION.

DATE: 12/20/07 _____ _____
SIGNATURE WITNESS

DATE: 12/20/07 _____ _____
TERRANCE C. DWYER WITNESS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF PART OF THE PROPERTY ACQUIRED BY CLARKSBURG SKYLARK, L.L.C., A MARYLAND LIMITED LIABILITY COMPANY FROM ESTELLE SHAWE, ET AL., BY DEED DATED MARCH 29, 2001 AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 19158 AT FOLIO 440; I FURTHER CERTIFY THAT IF ENGAGED, I WILL SET ALL PROPERTY CORNER MARKERS IN ACCORDANCE WITH SECTION 50-24(e) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

I FURTHER CERTIFY THAT THE 100 YEAR FLOOD PLAIN SHOWN HEREON IS AN ACCURATE REPRESENTATION OF THE FLOOD PLAIN STUDY REFERENCED IN NOTE #12.

THAT THE TOTAL AREA INCLUDED IN THIS SUBDIVISION RECORD PLAT IS 384,897 SQUARE FEET OR 8.84 ACRES OF LAND. THERE IS NO STREET DEDICATION BY THIS PLAT.

DATE 12-14-2007

RONALD L. COLLIER
PROFESSIONAL LAND SURVEYOR
MARYLAND No. 20514

PLAT NO.: _____

VICINITY MAP
NOT TO SCALE

CURVE TABLE						
CURVE	RADIUS	ARC	DELTA	TANGENT	BEARING	CHORD
1	371.00	44.88	6°54'56"	22.37	S08°34'46"E	44.85
2	702.00	53.85	4°34'47"	47.21	S01°07'46"W	53.82
3	1950.00	394.14	11°34'11"	395.03	S06°25'18"W	393.39

AREA TABULATION

LOTS:	N/A
PARCELS:	384,897 SF OR 8.84 Ac.
STREET DEDICATION:	N/A
TOTAL AREA:	384,897 SF OR 8.84 Ac.

SCALE : 1" = 80'

NOTES:

1. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE OF THIS PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.

2. THE PROPERTY SHOWN HEREON IS SUBJECT TO CHAPTER 22A OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW, INCLUDING APPROVAL OF A FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGIA AVENUE, SILVER SPRING, MARYLAND.

3. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND MUST BE ESTABLISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.

4. THIS DEVELOPMENT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS ONLY.

5. THIS SUBDIVISION IS SUBJECT TO A SITE PLAN ENFORCEMENT AGREEMENT SITE PLAN #820040030 (FORMERLY #8-04002A) GAITHER GREENWAY VILLAGE AT CLARKSBURG.

6. APPROVED PRELIMINARY PLAN #120050330 (FORMERLY #1-05033B), SITE PLAN AND FINAL FOREST CONSERVATION PLAN #820040030 GAITHER GREENWAY VILLAGE AT CLARKSBURG.

7. PROPERTY IS ZONED PD-4.

8. WSSC 200' SCALE REFERENCE : 232 NW 12

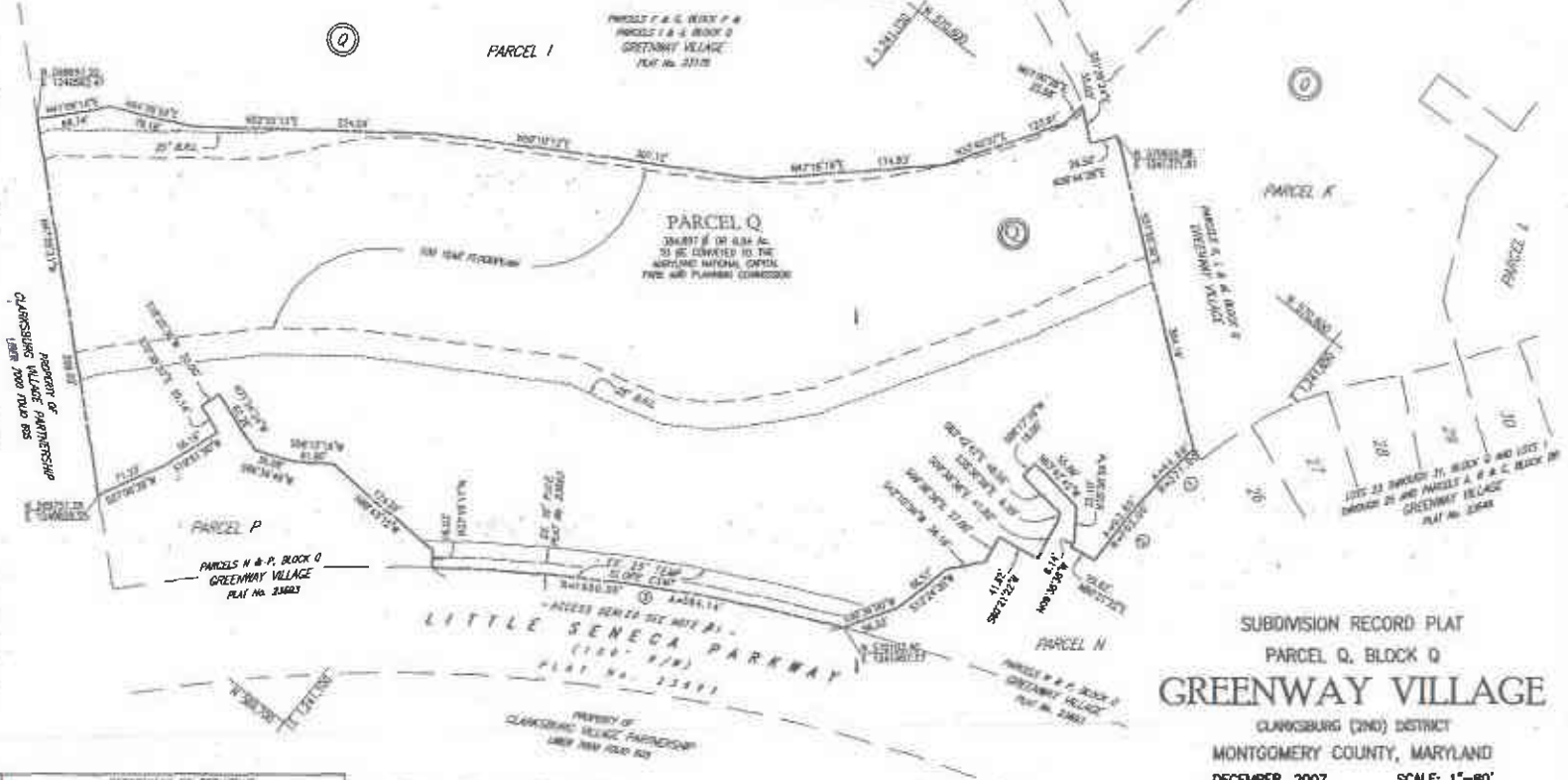
9. PARCEL Q, BLOCK Q IS TO BE CONVEYED TO THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

10. THIS SITE IS SUBJECT TO AN AGREEMENT WITH THE MONTGOMERY COUNTY PLANNING BOARD REGARDING ADEQUATE PUBLIC FACILITIES.

11. VEHICULAR ACCESS TO LITTLE SENECA PARKWAY IS DENIED EXCEPT AT APPROVED INTERSECTIONS.

12. THE SOURCE OF THE 100 YEAR FLOOD PLAIN SHOWN HEREON IS A FLOOD PLAIN STUDY BY CHARLES P. JOHNSON & ASSOC., DATED NOVEMBER, 2001 AND APPROVED BY DPS IN A LETTER DATED FEBRUARY 13, 2002.

13. ACCESS TO PARCEL Q, BLOCK Q IS HEREBY ADJUNCTO OWER PARCEL K, BLOCK Q.



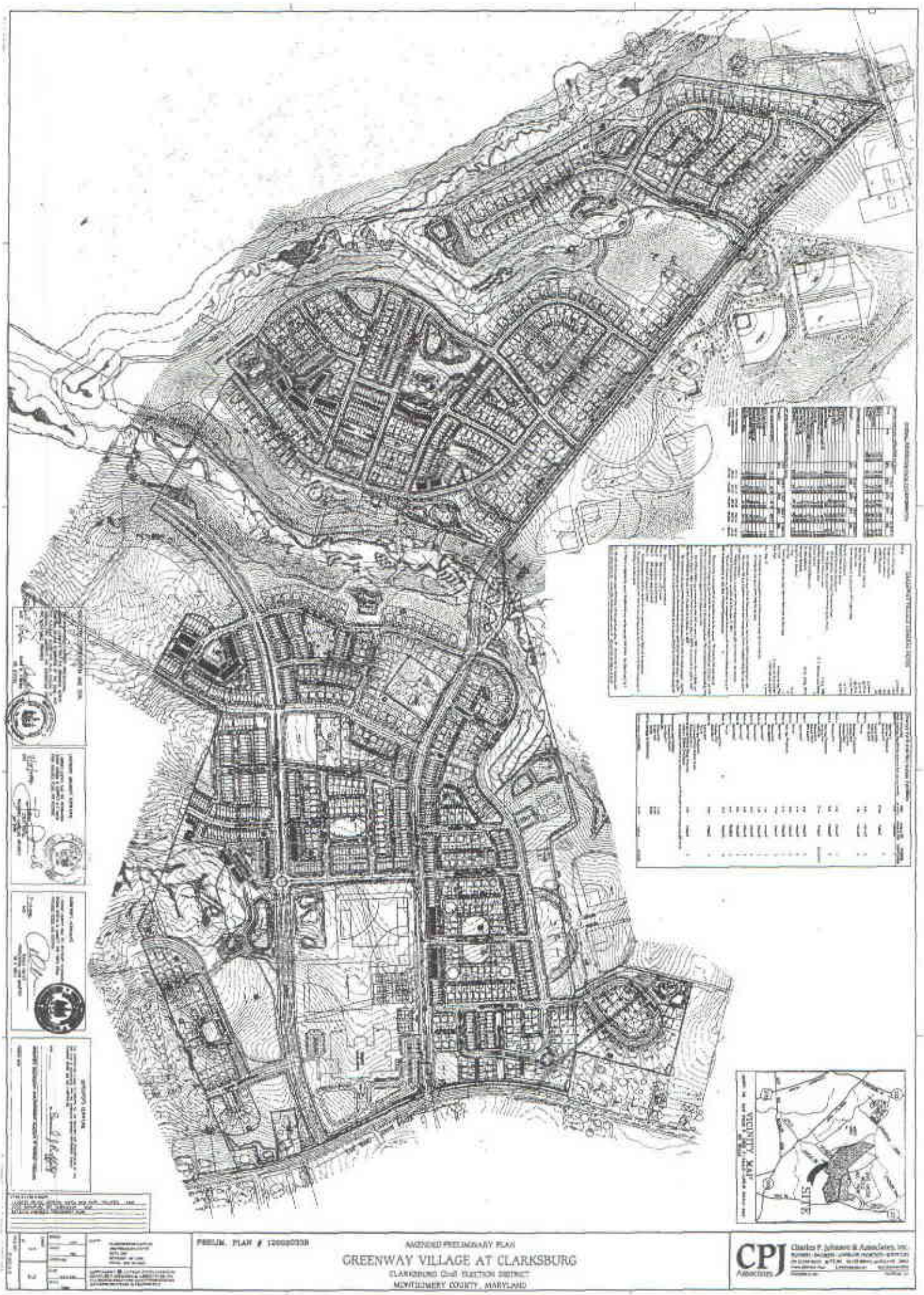
SUBDIVISION RECORD PLAT
PARCEL Q, BLOCK Q
GREENWAY VILLAGE
CLARKSBURG (2ND) DISTRICT
MONTGOMERY COUNTY, MARYLAND
DECEMBER, 2007 SCALE: 1"=80'

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD	DEPARTMENT OF PERMITTING SERVICES, MONTGOMERY COUNTY	RECORDED:
APPROVED:	APPROVED:	PLAT NO.:
CHAIRMAN / VICE SECRETARY-TREASURER	DATE / DIRECTOR	
M-NCPPC Record File No.		

3 PARCELS
TAX MAP EW
2-08054

CPJ Associates
Charles P. Johnson & Associates, Inc.

Dwg: M:\31200\dwg\15-81



AMENDED PRELIMINARY PLAN

GREENWAY VILLAGE AT CLARKSBURG

CLARKSBURG CLUSTER ELECTION DISTRICT

MONTGOMERY COUNTY, MARYLAND

PRELIM. PLAN # 120020330

CPJ Associates

Charles P. Johnson & Associates, Inc.

AMENDED PRELIMINARY PLAN

GREENWAY VILLAGE AT CLARKSBURG

CLARKSBURG (2nd) ELECTION DISTRICT

MONTGOMERY COUNTY, MARYLAND

PRELIM. PLAN # 120020330

CPJ

VICINITY MAP

SITE

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: APR 2 5 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 2 5 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 agencies[2]; 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.

. . . . . .

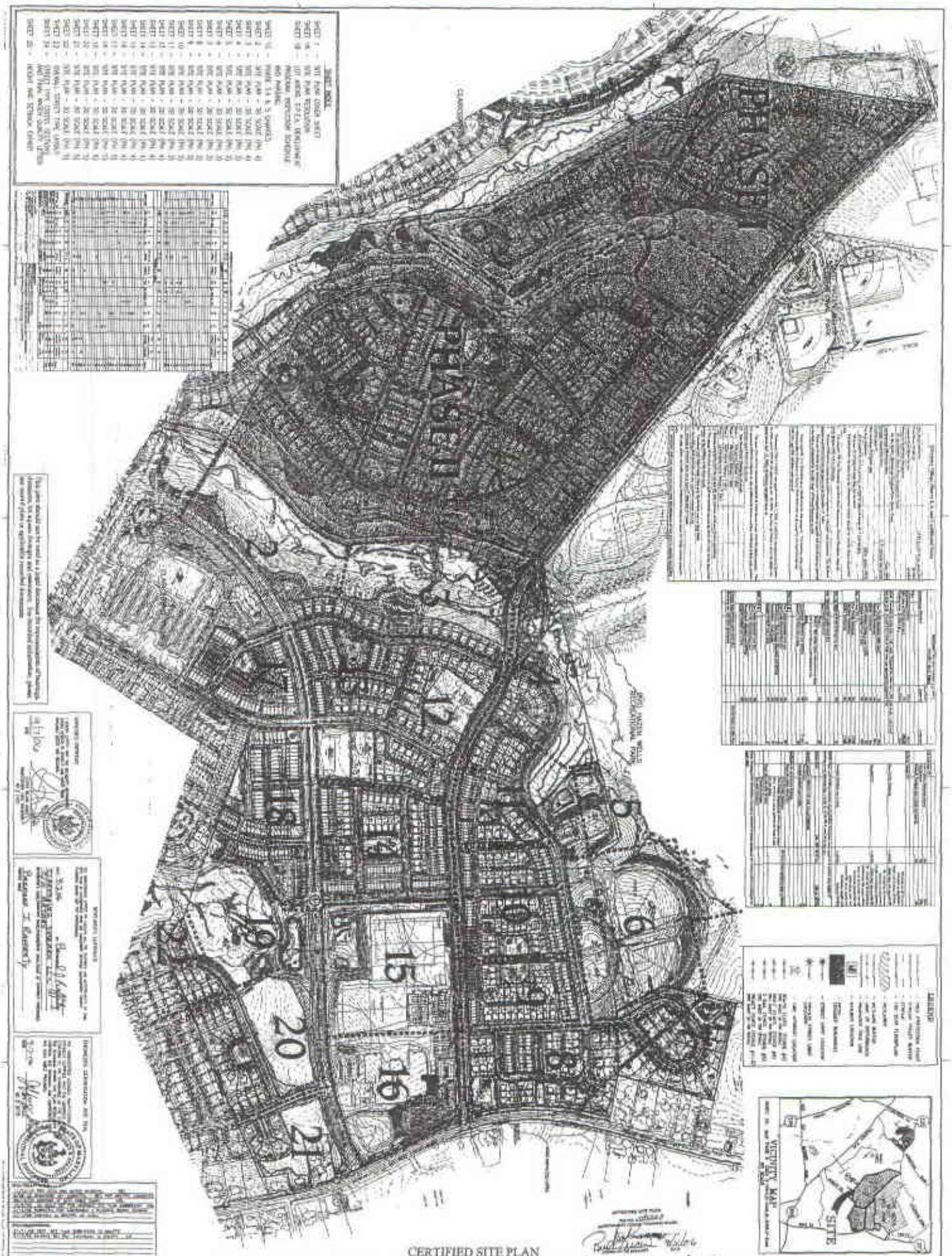
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

PAD 4pm/fax

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



CERTIFIED SITE PLAN

Site Plan # SCP #820040020A
Preliminary Plan #1-03001A
NRI-FSD #4-02016

AMENDED SITE DEVELOPMENT PLAN - PHASES I & II AND II

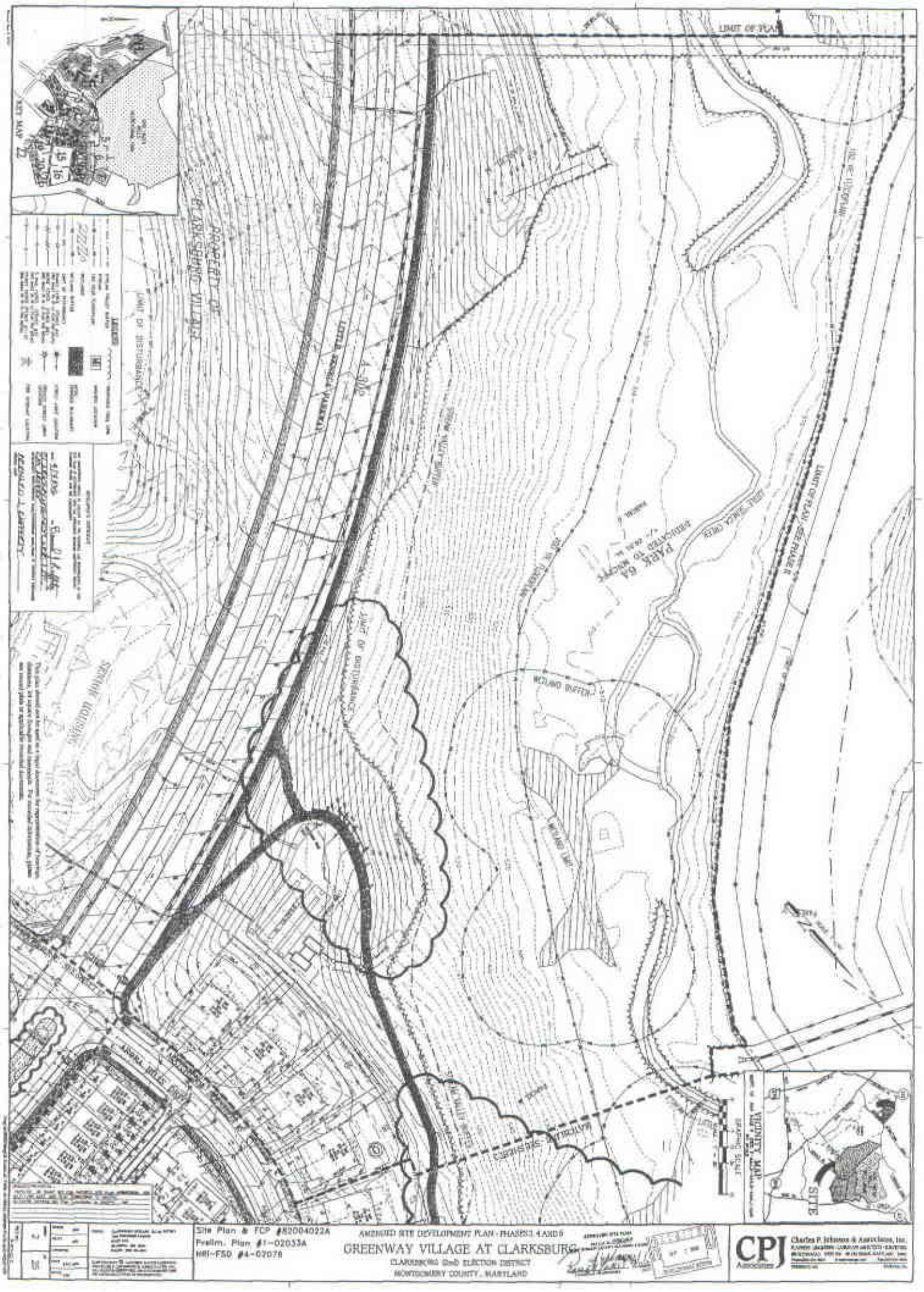
GREENWAY VILLAGE AT CLARKSBURG

CLARKSBURG 22nd ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

CPJ Associates

Charles P. Johnson & Associates, Inc.

GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG 2ND ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SKYLARK ROAD
MATCHLINE SEE SHEET 2
PARK 6A
DEDICATED TO M-NCPPC
LIMIT OF DISTURBANCE
WETLAND BUFFER
WETLAND LINE
100-YR FLOODPLAIN
STREAM VALLEY BUFFER
LIMIT OF PLAN - SEE SHEET 1
MATCHLINE SEE SHEET 1
VICINITY MAP
SITE
KEY MAP
GRAPHIC SCALE
CP]


LIMIT OF PLAN
KEY MAP
PROPERTY OF CLARKSBURG VILLAGE
LIMIT OF DISTURBANCE
WETLAND BUFFER
PARK 64 DEDICATED TO M-NCPPC
LIMIT OF PLAN - 1ST PHASE
VICINITY MAP
SITE
Site Plan # FCP #820040220
Prelim. Plan #1-02033A
MR-FSD #4-02078
AMENDED SITE DEVELOPMENT PLAN - PHASES 4 AND 5
GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG 2ND ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
CPJ
Associates
Charles P. Johnson & Associates, Inc.

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

MCPB No. 06-57 AUG 0 9 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. he 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 _____ (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

R. Brown Cfd for TMJ
Trudye M. Johnson
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

DYD 8/24/06
M-NCPPC LEGAL DEPARTMENT