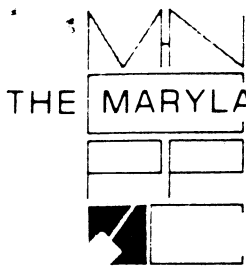


**Appendix B: Preliminary Plan Opinion 119950420  
Site Plan Opinions for 819980010 & 820020140**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring Maryland 20910-3760

9/28/95

**MONTGOMERY COUNTY PLANNING BOARD  
OPINION**

Preliminary Plan No.: #1-95042  
Name of Plan: Clarksburg Town Center

*Action: Approval, subject to conditions. (Motion by Commissioner Aron; seconded by Commissioner Holmes; with a vote of 5 to 0, Commissioners Aron, Holmes, Hussmann, Baptiste and Richardson voting in favor of the motion).*

INTRODUCTION

On September 28, 1995, the Montgomery County Planning Board ("Board") held a public hearing to consider Preliminary Plan 1-95042, an application for subdivision approval in the RMX-2 zone. The proposed uses include residential, retail and commercial development. The Applicants, Piedmont & Clarksburg Associates, proposed to create 834 lots on 267.50 acres of land.

At the hearing, the Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented, the Board finds Preliminary Plan 1-95042 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-95042, subject to the conditions listed at the end of this opinion.

BACKGROUND

The property is located northeast of Maryland Route 355 between Clarksburg Road and Stringtown Road (A-260 on the Master Plan). Piedmont Road crosses through the northern portion of the property. The Applicant proposes construction of 1,300 dwelling units, including townhomes, multi-family and single-family residences. The proposal also includes 150,000 square feet of retail space and 100,000 square feet of office/development space.

The underlying development authority, Project Plan No. 9-94004, was approved by the Planning Board on May 11, 1995, after two prior Planning Board meetings (held on April 6 and 20, 1995). The record for Preliminary Plan 1-95042 specifically includes the records from those prior hearings.

## DISCUSSION AND FINDINGS

The Planning Department staff evaluated the transportation effects of the subject application as required by the Subdivision Regulations and as recommended in the Master Plan. First, the Board must determine that public facilities, including roads, will be adequate to support and service the area of the proposed subdivision. Staff evaluated the impact of the proposed development on nearby roads and intersections in accordance with the Local Area Transportation Review Guidelines. Necessary local area transportation review improvements for this project are identified in condition #2 for Project Plan No. 9-94004.

The second level of transportation review was based on the Master Plan recommendation that development districts, or alternative financing mechanisms, be implemented prior to new development, to ensure that road infrastructure be provided to support recommended Master Plan development. The Clarksburg Master Plan specifically addressed the County's fiscal concerns that the timing and sequence of development in the area should be responsive to the fact that capital improvements funding required to support new growth will have to come from a variety of sources, including government sources and private development. As part of the Project Plan discussion, the Board requested staff to conduct an analysis of the Master Plan road network, determine the amount of road infrastructure required, evaluate how the roads would be built, and recommend when they should be built.

*adequately* → The Master Plan anticipated a funding shortfall for the construction of schools, local roads and other community facilities recommended in the Master Plan to serve the expected new growth. In response to this, the Master Plan recommended that development in Clarksburg should occur in stages conditioned upon the ability of private developers to fund a significant portion of the infrastructure improvements or the availability of other new sources of revenues. The Planning Board expressed a desire to address the Master Plan's stated need to comprehensively allocate among developers a responsibility to construct portions of road infrastructure in a fair and equitable manner.

To ensure that the Applicant fund its share of road infrastructure, as best can be determined at this time, staff recommended that the Applicant improve Stringtown Road (A-260), to County standards as a two lane road within the Master Plan Alignment, No. 2. as of August 25, 1995. Staff's assessment was based on the 1993 Fiscal Impact Analysis prepared by the Montgomery County Office of Planning Implementation (OPI), as part of the Clarksburg Master Plan review. The OPI study projected a funding gap of approximately \$89 million for required infrastructure. The Study also projected approximately \$37 million in revenues to be generated by the Construction Excise Tax (CET). Since the CET has been repealed, this loss of

anticipated revenue must be added to the capital gap, with a total estimated funding gap of approximately \$126 million. Staff thus estimated the Applicant's share of this infrastructure to be approximately 10 percent, or \$12.5 million, with no County or State input.

Staff noted that if the Council adopts an impact tax or other alternative road infrastructure funding mechanism, then the Applicant's contribution (in the form of improvements to Stringtown Road) will be assessed and, if found lacking, will be augmented by additional tax requirements. The Board determined that the infrastructure schemes proposed by the Master Plan are legislative in nature, will be implemented by the Council, and may or may not grandfather development predating any such legislation. The Board concluded that to anticipate the Council's actions would be presumptive, and premature.

MCDOT has requested that the hiker/biker trail shown in the Clarksburg Master Plan along Stringtown Road (A-260) be constructed along P-5 from Frederick Road (MD 355) to Piedmont Road (A-305), in lieu of the Master Plan Alignment. The developer has agreed to construct the hiker/biker trail along P-5.

Applicant also will be required to dedicate approximately 8 acres of land for a future school site, to be used in the interim as public parkland. At the time the school is developed, if ever, the parkland adjoining the school site will be jointly used as school athletic facilities and public parkland under an easement agreement between The Maryland-National Capital Park and Planning Commission and Montgomery County Public Schools (MCPS). MCPS staff asked that the entire future school site (10-12 acres) be dedicated to MCPS at this time. Under normal circumstances this would be the usual procedure. In this instance, however, staff recommended and the Board agreed that within the Clarksburg Town Center, a planned park/school site provides a more efficient use of land than separate facilities. In addition, if the land ultimately is not needed as a school site, then the land should be retained as public parkland. The Board determined that this joint use, with the recreational facilities remaining under The Maryland-National Capital Park and Planning Commission ownership, would afford the most efficient public use of the land.

Therefore, with all of the evidence heard and all testimony taken, The Planning Board, approved the plan, including (1) waiver of the distance between intersections requirements as contained in Section 50-26 of the Subdivision Regulations and (2) approval of closed street sections subject to MCDOT approval. The approval is subject to the following conditions:

1. Agreement with Planning Board to limit development to a maximum of 1300 dwelling units, 150,000 square feet of retail uses and 100,000 square feet of commercial office uses, subject to the following requirements:

- (a) Agreement with the Planning Board to provide the necessary roadway improvements as identified in the phasing section of the revised Transportation Planning Division Memorandum dated 09/26/95.
  - (b) The recordation of the subdivision plats for the Clarksburg Town Center project shall be phased over a nine year period. Plats may be recorded in three separate phases with each phase being completed within a thirty-six month period. Applicant to record plats for at least 200 residential units during Phase 1. Applicant must submit a plat recordation schedule for Phases 2 and 3 for Planning Board approval as part of the Phase 1 site plan review.
2. Compliance with Environmental Planning Division approval regarding the requirements of the forest conservation legislation. Applicant must meet all conditions prior to recording of plat or MCDEP issuance of sediment and erosion control permit, as appropriate.
3. The commercial area's stormwater management forebay, sand filter #6 and associated grading that cannot be forested must be located outside of the required stream buffer. The SWM facilities should be designed to promote aesthetics and effectiveness.
4. Agricultural areas within the environmental buffer will be taken out of production and stabilized with a suitable grass cover no later than Spring, 1996.
5. Dedication of the following roads as shown on plan must be provided as follows:
  - (a) Clarksburg Road (MD RT 121) for ultimate 80' right-of-way.
  - (b) Piedmont Road (Master Plan A-305) for ultimate 80' right-of-way.
  - (c) Stringtown Road (Master Plan A-260) for ultimate 120' right-of-way.
6. Dedication of the proposed park/school, as shown on the Applicant's revised preliminary plan drawing, is to be made to M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:
  - (a) M-NCPPC and the Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the staff report, will

occur prior to the execution of the Site Plan Enforcement Agreement.

- (b) Dedication of the approximately 8 acre area, identified as area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.
- (c) The Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.
  - (i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, Applicant will complete work on the replacement fields prior to the construction of the proposed school.
  - (ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, Applicant will commence work on replacement of the baseball field. In addition, if at site plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at site plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the site plan application.

- 7. In accordance with Condition #6 above, Applicant to enter into an agreement with the Planning Board to provide for site grading, infield preparation and seeding of the replacement athletic fields in accordance with Parks Department specifications, as shown on the preliminary plan drawing, and as specified in the Department of Parks' Memorandum dated September 22, 1995. The construction of the replacement athletic fields must occur as specified in Condition #6.

8. Record plats to reflect delineation of conservation easements over the areas of the 100 year floodplain, stream valley buffer, wetland buffer and tree preservation and/or reforestation and greenway dedications.
9. No clearing, grading, or recording of plats prior to site plan approval.
10. Final number and location of units to be determined at site plan.
11. Access and improvements as required to be approved by MCDOT and MDSHA.
12. Conditions of MCDEP stormwater management approval dated 07/28/95.
13. Final number of MPDU's to be determined at site plan dependent on condition #10 above.
14. Preliminary Plan 1-95042 is expressly tied to and interdependent upon the continued validity of Project Plan No. 9-94004. Each term, condition, and requirement set forth in the Preliminary Plan and Project Plan are determined by the Planning Board to be essential components of the approved plans and are, therefore, not automatically severable. Should any term, condition, or requirement associated with the approved plans be invalidated, then the entirety of the approved plan must be remanded to the Planning Board for further consideration. At that time, the Board shall determine if all applicable requirements under State and County law will be met in the absence of such term, condition and requirement, and if some alternative, lawful conditions or plan revisions related to the severed term, condition, or requirement are then required.
15. Other necessary easements.
16. The following phasing requirements are conditioned upon issuance of building permits for the subject preliminary plan:
  - (a) The first 44 dwelling units without any off-site road improvements.
  - (b) After the 44th building permit, the developer must start reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.
  - (c) After the 400th building permit, the developer has two options:

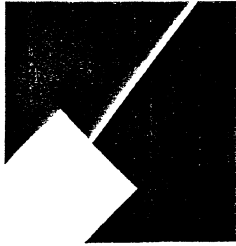
- 1) Construction of A-260 from MD 355 to the southern access road of the commercial site (commercial access road between A-260 and P-5) and construction of P-5 across the stream valley into the residential area north of stream valley.
  - 2) Construction of A-260 from MD 355 to the northern access road of the residential development and construction of a northbound right-turn lane along MD 355 at A-260 should be included in this phase.
- (d) After the 800th building permit, the developer must start construction of remaining section of A-260 to A-305, and intersection improvements at MD 355 and MD 121 to construct eastbound & westbound left-turn lanes along MD 121.
- (e) Construction of A-305 from A-260 to MD 121 must begin when the developer starts building any of the residential units on blocks 11, 12, 13, and the northern half of block 10.
17. This preliminary plan will remain valid until March 26, 1999. (37 months from the date of mailing which is February 26, 1996.) Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

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M-NCPPC



**Date Mailed: August 14, 2001**  
**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**Action:** Approved Staff Recommendation  
**Motion** of Comm. Wellington, seconded  
by Comm. Perdue with a vote of 3-0;  
Comms. Bryant, Holmes, Hussmann,  
Perdue and Wellington voting in favor

## **MONTGOMERY COUNTY PLANNING BOARD**

### **OPINION**

Preliminary Plan 1-95042R  
NAME OF PLAN: CLARKSBURG TOWN CENTER

On 08/17/00, TERRABROOK CLARKSBURG, LLC submitted an amendment to the previously approved preliminary plan in the RMX zone. The previous application proposed to create 1,300 units previously approved on 267 acres of land. The application was designated Preliminary Plan 1-95042R. On 07/12/01, Preliminary Plan 1-95042R was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-95042R to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-95042R.

Approval, to revise conditions to include a Grading Plan and Borrow Plan (Off-Site Stockpile) as follows:

- (1) Stockpiling and barrow of dirt for use in a timely fashion only in connection with this preliminary plan, at designated locations, prior to site plan approval provided:
  - a. M-NCPPC technical staff review and approval of sediment control plans prior to issuance of permits by MCDPS; and
  - b. Applicant to enter into agreement with the Planning Board in advance of any land disturbance that they will conform with all aspects of stockpile and borrow plans
- (2) No clearing of grading or recording of plats, except as stipulated in the condition above, prior to site plan approval
- (3) All other appropriate conditions of approval under Planning Board opinion dated March 26, 1996



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

OPINION

**DATE MAILED:** June 17, 2002  
**SITE PLAN REVIEW #:** 8-02014  
**PROJECT NAME:** Clarksburg Town Center Phase II

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*Action on Final Water Quality Plan: Approval subject to conditions. Motion was made by Commissioner Bryant and seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Bryant, Robinson, Perdue and Wellington voting for. Commissioner Holmes was necessarily absent.*

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*Action on Site Plan #8-02014: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Holmes, Bryant, Robinson, Perdue and Wellington voting for. Commissioner Holmes was necessarily absent.*

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The date of this written opinion is June 17, 2002, (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, as provided in the Maryland Rules of Procedure, on or before July 17, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed this Site Plan shall remain valid for as long as Preliminary Plan #1-95042 is valid, as provided in Section 59-D-3.8

On May 9, 2002, Site Plan Review #8-02014 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

*The Site Plan is consistent with approved Project Plan #9-94004 for the optional method of development;*

- 1. The Site Plan meets all of the requirement of the RMX-2 zone, and is consistent with an urban renewal plan approved under Chapter 56;*
- 2. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
- 3. Each structure an use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
- 4. The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*
- 5. The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection.*

Therefore, the Montgomery County Planning Board **APPROVES** the Final Water Quality Plan for Site Plan # 8-02014 subject to the following conditions:

1. Conformance to the conditions as stated in the May 9, 2002 Department of Permitting Services letter approving the Final Water Quality Plan, attached.

Therefore, the Montgomery County Planning Board **APPROVES** Site Plan #8-02014, which consists of 487 dwelling units (153 SFD, 202 TH's and 132 multifamily units) inclusive of 46 MPDU's on 77.61 acres subject to the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A
2. Park and School Site

A. Per the MCPS Memo of May 2, 2002, attached, the applicant shall provide adequate engineered fill and retaining walls if necessary, for the site and will rough grade the remainder of the school site to allow for school construction at a reasonable cost. Storm water management facilities shall accommodate the MCPS site and shall be located off the MCPS /park site. The forest conservation plan for the MCPS school site is provided for elsewhere within the Clarksburg subdivision.

Within 90 days after the date of the planning board's opinion, the applicant shall provide MCPS with a proposed grading plan for the school site to allow for school construction. Where appropriate, the grading plan may incorporate changes in elevation to accommodate a two-story walkout school building.

MCPS shall have 90 days to review the proposed grading plan and provide comments to the applicant. The final grading plan shall be reviewed by planning board staff and approved prior to completion of the signature set. The signature

set may include 2 phases – one phase will include the entirety of the Park/School Site and the adjacent road and the confronting units. The second phase shall include the remainder of the units in Phase II. The Applicant, MCPS and Planning Board staff shall work to resolve any remaining site grading issues. The matter can be brought back to the Planning Board for discussion if there are any unresolved issues.

- (a) Alternatively, if this cannot be done, MCPS will consider another site within the subdivision pending revision of the applicable Preliminary and Project Plans. (Memo attached)
- (b) M-NCPPC Parks Department shall review and approve all final path locations in the site. Any path that may serve, as a substitute for a public sidewalk shall be reviewed by DPWT.

B. Regarding the ball fields, the plan shall be consistent with condition # 6 of Preliminary Plan 1- 95042 as follows:

Dedication of the proposed park/school, as shown on the Applicant's revised preliminary plan drawing, is to be made to M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:

- (a) M-NCPPC and the Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the Preliminary Plan staff report, attached, will occur prior to the execution of the Site Plan Enforcement Agreement.
- (b) Dedication of the approximately 8 acre area, identified as area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.
- (c) The Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.
  - (i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, Applicant will complete work on the replacement fields prior to the construction of the proposed school.

- (ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, Applicant will commence work on replacement of the baseball field. In addition, if at Site Plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at Site Plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the Site Plan application.
- (d) Applicant shall acknowledge that there is sufficient earth material on site to construct both fields and agrees to construct the two fields upon commencement of construction of Street "F" referenced in the Preliminary Plan approval, or prior to construction of the proposed elementary school, whichever occurs first.
- (i) The exact location and orientation of the fields to be coordinated with M-NCPPC staff.
  - (ii) The softball field to be full sized with foul lines of 290'.
  - (iii) The soccer field to be full adult size with dimensions of 360' by 220'.
- (e) Final details regarding the Park/School site shall be reviewed by staff and shall reflect the direction of the approved Preliminary Plan # 1-95042 and shall include input from the Parks Department, MCPS and the Applicant for the final design of the ball field and path layout, the metes and bounds survey of dedication prior to recordation, grading, access, storm water management facilities and any other issues as required.
- (f) There shall be no disturbance (or activity to cause them to be unusable) of the existing fields within Kings Local Park until the new fields are constructed. (Note: The applicant acknowledges there is sufficient earthwork to build both ball fields and will do so.)

- (g) Applicant to construct paved hiker/biker trails in the following locations:
- i. Along the east side of Overlook Park Drive from Stringtown Road to Clarksburg Road (Route 121). Per Phase I approval. This trail will be aligned to meet the Clarksburg Greenway Trail from the south side of Stringtown Road.
  - ii. From the Clarksburg Greenway Trail along Overlook Park Drive to the Kings Local Park pond trails (two connections to the pond trail) -per Phase I approval.
  - iii. Along the south side of Clarksburg Road from the pond area trails to the intersection with Piedmont – per Phase I approval.
  - iv. Along the south side of Piedmont from Clarksburg Road to Street “F”- per phase one approval.
  - v. Along the west side of Street “F” from Piedmont to Main Street and continuing along Main Street to the Greenway Trail along Overlook Park Drive – within the right-of way per DPWT standards.
  - vi. Trails are to be constructed to park standards when outside of right-of-way. Exact trail alignments to be coordinated with M-NCPPC and DPWT staff, and should be appropriately located and landscaped to maintain a park like setting while also fulfilling the need for safe, off road transportation in the area.

### 3. Piedmont Road

- A. The applicant shall pursue the abandonment of the prescriptive right-of-way of Piedmont Road and Burnt Hill Road with Montgomery County prior to recordation of plats for these areas.
- B. The applicant shall not record plats for the units located within the existing prescriptive right-of-way until the county council grants approval of the abandonment request.
- D. The Piedmont Road Abandonment Exhibit, identifying the affected lots, is attached.

### 4. MPDU's

In order to maintain an equitable balance of MPDU's, all units within Blocks EE and GG of Phase I Site Plan 8-98014 as shown in MPDU exhibit dated May 2, 2002 (attached) will not be constructed until the Planning Board approves a revision of those blocks (proposed to be resubmitted for approval).

5. Waivers Requested And Previously Approved:

- A. Waiver of lots fronting on a public right-of-way Section 50-29-(A)(2) –(Staff recommends approval due to interconnecting grid of streets and it's limited use).
- B. Waiver of closed section streets has been approved with the Project Plan.

6. Environment

- A. Record plats to reflect delineation of a Category I Conservation easement that includes the stream/wetland buffers and forest conservation areas, as shown on the site plan, that are not part of the park dedication area.
- B. Final erosion and sediment control plans shall be submitted to Environmental Planning staff for review and comment prior to approval by MCDPS.
- C. The Final Forest Conservation Plan must be approved and bonded prior to issuance of the sediment and erosion control permit.
- D. The outfall from Pond #3, and any other stormwater management facility or storm drain outfalls which extend into the environmental buffer, shall be field located by applicant's representative, MCDPS, and MNCPPC Environmental Planning staff prior to approval of the stormwater management/sediment control permits by MCDPS.
- E. MNCPPC Environmental Planning staff shall review and approve detailed design plans for any wetland mitigation sites within the environmental buffers prior to issuance of sediment control permits or authorization to clear and grade any of these facilities.

7. Lighting And Landscape Plan

Street trees species and spacing to reflect the draft Clarksburg Streetscape Study and the proposed lighting plan.



**APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:**

1. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
  - a. Development Program to include a phasing schedule as follows:
    - 1) Streets tree planting must progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
    - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
    - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
    - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
    - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
    - 6) Coordination of each section of the development and roads.
    - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
  - b. Site Plan Enforcement Agreement to reference applicable road construction phasing and park/school agreements.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
  - a. Undisturbed stream buffers at least 150 to 240 feet wide as shown on the site plan.
  - b. Limits of disturbance.
  - c. Methods and locations of tree protection.
  - d. Forest Conservation areas.
  - e. Location of stormwater facility and storm drain outfalls away from forest preservation or other environmentally sensitive areas.
  - f. Conditions of DPS Final Water Quality and Stormwater Management Concept approval letter dated May 9, 2002 and DPS memo of May 2, 2002.
  - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
  - h. The development program inspection schedule.
  - i. Category I conservation easement and park dedication boundary.

- j. Streets trees, as shown, all public streets.
  - k. Centralized, screened trash areas for all multi-family and one-family attached units except townhouses.
  - l. Details for and location of noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor back yard area of homes with side yards facing A-305.
- 3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
  - 4. No clearing or grading prior to M-NCPPC approval of signature set of plans except to allow rough grading as previously approved with the Preliminary Plan.

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## MONTGOMERY COUNTY PLANNING BOARD

## O P I N I O N

**DATE MAILED:** March 3, 1998

**SITE PLAN REVIEW:** #8-98001

**PROJECT:** Clarksburg Town Center Site Plan Review # 8-98001

The date of this written opinion is March 3, 1998 (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, as provided in the Maryland Rules of Procedure, on or before April 3, 1998, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this site plan shall remain valid until March 26, 2005 (which is the date that the validity period associated with the Preliminary Plan, 1-95042, is set to expire as of the date of this opinion), as provided in Section 59-D-3.8.

**First Action: Water Quality Review for Development in Designated Special Protection Areas**

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*Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Holmes, with a vote of 5-0, Commissioners Baptiste, Bryant, Holmes, Hussmann and Richardson voting for and no Commissioners voting against. All Commissioners were present.*

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On January 22, 1998, The Water Quality Review for Development in Designated Special Protection Areas per Montgomery County Code Section 19-67 in accordance with Section 10, was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

**APPROVAL OF FINAL WATER QUALITY PLAN** including the Stormwater Management Concept with conditions as stated within the January 15, 1997 memo from MCDPS in Appendix; including waiver of Chapter 49-35 through 49-43 of the County Code (Bill 46-91) " Closed Section Roads in the SPA" as noted in Site Plan Review #8-98001.

**Second Action: Site Plan # 8-98001 Approval**

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*Action: Approval subject to conditions. Motion was made by Commissioner Holmes, seconded by Commissioner Bryant, with a vote of 5-0 , Commissioners Baptiste, Bryant, Holmes, Hussmann and Richardson voting for and no Commissioners voting against. All Commissioners were present.*

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On January 22, 1998, Site Plan Review #8-98001 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;
3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board **APPROVES** Site Plan Review #8-98001 which consists of 768 Dwelling Units ( 75 SFD, 295 TH's and 398 Multifamily units), inclusive of 96 MPDU's, subject to the following waivers:

Section 59 -E-3.7 - Schedule of off street parking spaces (to reduce the number of on-site parking spaces with the provision of parking within the public street);

Section 59-C-10.38 - Minimum Building Setbacks - reduces building setbacks to 50 feet

adjoining the abutting property as established in the Project Plan;

Additionally, the approval confirms the waivers established with Preliminary Plan #1-95042 :

- 1) waiver of distance between intersections per 50-26 Subdivision Regulations;
- 2) approval of closed section street sections subject to MCDOT approval;

and as subject to the following conditions:

1. Standard Conditions of Approval dated January 16, 1998 (Appendix A).

### **Environment**

2. All agricultural areas within the environmental buffer which have not yet been taken out of production and stabilized with a suitable grass cover will be converted accordingly prior to any authorization to clear and grade for development on the property.
3. Record plats to reflect delineation of a Category I Conservation easement which includes areas affected by this site plan to show a 100 year floodplain, stream/wetland buffer and ~~forest conservation areas that are not part of the park dedication area.~~
4. Submit final design plans for the stream valley crossings at Main Street to Environmental Planning Division staff for review and comment prior to approval by MCDPS/MCDPWT. Plans must demonstrate adherence to the current MCDPS/MCDPWT Guidelines for Environmentally Sensitive Stream Crossings.
5. Proposed natural surface trail within the Greenway Park to be field located by applicant's representative and M-NCPPC Environmental Planning and Park staff per Development Program within the Site Plan Enforcement Agreement. The stream crossing under Main Street shall be evaluated for adequacy of providing equestrian crossing. The bike path along Greenway Road shall be reviewed by staff to evaluate the consideration of expanding the path to 10 feet in width, pending the adequacy of SPA review by the MCDPS and MCPD staff.
6. Final erosion and sediment control plans shall be submitted to Environmental Planning Division staff for review and comment prior to approval by MCDPS.
7. The applicant shall implement a program of daily inspections, maintenance and repairs as necessary, and detailed daily documentation of inspection and maintenance activities for all sediment and erosion control measures required and constructed on the site. Such a program shall be carried out under the direction of MCDPS and the applicant shall pay the associated reasonable costs. The applicant shall continue to meet with and cooperate with MCDPS. Documentation of inspection, maintenance, and repair activities shall be available for DPS

review and use.

8. The Forest Conservation Plan shall be approved and bonded prior to issuance of the erosion and sediment control permit.
9. All stormwater management outfalls which extend into the environmental buffer shall be field located by applicant's representative, MCDPS, and M-NCPPC Environmental staff prior to approval of the stormwater management/sediment control permits by MCDPS.
10. M-NCPPC Environmental Planning Division staff shall review and approve detailed design plans for any wetland mitigation sites within the environmental buffers prior to issuance of sediment control permits or authorization to clear and grade any of these areas.
11. Reduce the amount of impervious surfaces within the development by deleting the on-street parking and reducing road pavement on: 1) the stream valley side of the Greenway Road in the immediate vicinity of Main Street; 2) the stream valley side of Street "C" from Street "D" to the bikepath crossing; and 3) on Street "D" west of its intersection with Street "C" pending MCDPW&T and MCDPS approval.
12. Revise Sheet L-9 of the landscape plans to increase the evergreen tree planting along Stringtown Road in order to provide more year-round visual screening of outdoor rear yard areas from Stringtown Road for noise mitigation purposes.
13. Revise the signature set of site and landscape plans to show 6 foot fences for visual screening of the rear yards of Lots 23 and 33, Block K and Lot 51, Block L from Stringtown Road for noise mitigation purposes.
14. Signature set of the landscape plans to include planting for all stormwater management facilities and to be reviewed and approved by M-NCPPC staff in coordination with MCDPS.
15. No clearing or grading prior to Planning Department approval of the signature set of site plans.

### **Transportation**

16. Show conformance to all waivers to be approved by DPW&T and DPS per memos dated January 14 and 15, 1998, respectively, included in the Appendix and as they may be amended.
17. Show conformance to cross section and other recommendations per DPW&T, DPS memos dated January 14 and January 15, 1998, respectively, included in the Appendix and as they may be amended.

18. Conformance to MCPD Transportation Planning memo dated January 20, 1998 included in the Appendix.
19. APF agreement to be executed prior to the first record plat to reflect all road improvement conditions of the Preliminary Plan Approval ie dedication, and construction of required improvements pertaining to the construction of Stringtown Road (A-260), Clarksburg Road (A-121) and Mid-County Arterial (A305). If acquisition of right-of-way becomes necessary for any of the road improvements, the applicant is required to provide, pursuant to Site Plan conditions 17 and 18, and the County exercises Eminent Domain to acquire these rights-of-way, the applicant will be responsible to reimburse the County for these reasonable costs. < L
20. Dedication and construction of "O Street extended to occur prior to the recordation of the last lot in the entire project or when the dedication of "O" Street by the adjacent property owners is made in conjunction with future development proposals. ?
21. Turn around at the end of Main Street by the Historic district until the connection to MD 355 is established.
22. The applicant shall provide signs for the Class III bike path along Main Street.

**Park/School**

23. If applicable, per MC Public Schools memo of December 31, 1997, in the Appendix, the applicant shall conduct a testing program, the final report signed and sealed by a registered professional engineer, authenticating the adequacy of the deposited soils to support typical building foundation loads.
24. The Greenway path to include sufficient space to provide for a lighting, stabilized path and adequate headroom for pedestrian crossing under the Main Street Crossing;
25. The parks/school dedications schedule to conform to Preliminary Plan # 1-95042 Conditions 6 and 7, see Appendix.
26. All sales contracts, advertising and other information shall include notification that there is an active park in the area and that traffic calming measures will be installed with final paving.
27. All construction within M-NCPPC property to meet with Parks Department specifications and approval prior to release of construction permits for the park.

## **Historic Preservation**

28. The right-of-way for Stringtown Road should be no closer to the historic Day House than 15 feet from the porch column, subject to MCDPW&T and MCDPS approval of cross section.
29. Lighting at all road intersections within the Historic District, and especially at Stringtown Road and Frederick Road, should be designed to have a minimal impact on the Historic District. The lighting within the Historic District - both fixtures and intensity - should be compatible with the historic and residential character of the area, as allowed by the utility companies and MCDPW&T and MCDPS.
30. Per the Project Plan approval, when the ROW is made available, construct Main Street to MD 355 within the Historic District prior to completion of the project. At such time when the land is made available, share direct moving expenses only for relocating an existing house within the Historic District, and if the applicant and owner agree, make available the identified outlot to be merged with a portion of the adjacent parcel so as to create another lot.
31. A detailed design for the public space/interpretative area which will include the Clark Family Cemetery headstones must be submitted for staff review and approval prior to release of signature set. Protection of the headstones from weather deterioration should be a high priority and should be specifically addressed in the detailed design submission. It would also be desirable for the marker to be located in a more central area and better integrated into the public open space than is being provided.
32. The lot lines shall be adjusted so to include Outlot "A" to single family home area directly adjacent to the Historic District, to fulfill the Project Plan condition to approximate R-200 zone lot width standards.

## **Site Planning, Landscaping and Lighting**

33. Detailed landscaping plans for this site plan to be approved by staff prior to the signature set and should reflect the design concepts, the sizes and planting conditions established in the submittal and to consider the climate suitability and their potential to be deer proof.
34. Final Lighting plans for the internal streets to be comparable to the "Hagerstown" light fixture shall be configured so as to reduce the glare into the night sky by utilizing appropriate wattage, shields or other techniques that are in conformance with utility company and MCDPS and MCDPW&T requirements.
35. Landscaping Plan to show interim landscaping for the Town Square prior to the construction of adjoining units, for staff review and approval.
36. The MPDU townhouses in the Town Square District must include recreation areas near by;



the site plan and record plats must identify all MPDU locations.

37. Landscape plans to include: a partial evergreen screen along Stringtown Road; detailed plans for greenway to include planting on steep slopes; additional planting within the SWM facilities; and a sidewalk connection from the street sidewalk to the property line from Street "O" to the adjoining church.
38. The applicant may propose compatible changes to the units proposed, as market conditions may change, provided the fundamental findings of the Planning Board remain intact and in order to meet the Project Plan and Site Plan findings. Consideration shall be given to building type and location, open space, recreation and pedestrian and vehicular circulation, adequacy of parking etc. for staff review and approval.

### **Community Planning**

39. The applicant shall work with the County executive staff to identify a suitable civic building to be located on the town square within the area to be dedicated for that use.

### **Project Administration**

40. The Site Plan Enforcement Agreement to include the following: plat schedule as submitted to staff; complete language of condition 6 and 7 from Preliminary Plan #1-95042 regarding the ball field dedication and construction schedule; reference to the "agreement for Exchange of Land" to include timing triggers of dedication for MCPD Legal's review and comment; reference to the validity period; maintenance for all private recreational area, SWM, open spaces; etc ; and that the level of maintenance for entire project to be of equal quality and not solely dependent upon contributions of an individual area.
41. The Home Owners Association documents or equivalent to include provision for: complete public use and access to private streets for vehicular and pedestrian use; that they shall be permanently open for public use ; that the parking spaces may be assigned to individual units; that maintenance of streetscape items within the public right-of-way ie brick walks, trees, lights, etc. be assumed by the HOA.
42. The Development Program shall include: staging of amenities to occur with site plan construction and to include MCPD review and approval of path location within the Greenway park prior to construction.
43. No construction of units adjoining Midcounty Arterial in Block M , per Preliminary Plan #1-95042 Condition 16e, until the Mid-County Arterial is built.
44. The Planning Board recommends that the vertical alignment and grading of the landscape strip and bikeway along the northern R.O.W. of Stringtown Road to be designed such that

retaining walls are not required in the vicinity of the historic house, subject to the review and approval of MCDPS and MCDPW&T.

## APPENDIX A:

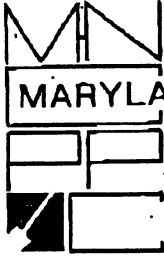
### STANDARD CONDITIONS OF APPROVAL DATED 1/16/98:

1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows and as stated above in other conditions:
  - a. Development Program to include a phasing schedule as follows:
    - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
    - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
    - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
    - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
    - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
    - 6) Coordination of each section of the development and roads;
    - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
    - 8) Phasing of site clearing and grading to minimize soil erosion;
    - 9) Phasing of stormwater management and forest construction.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include, in addition to other requirements, for staff review prior to approval by MCDPS:
  - a. Undisturbed stream buffers at least 120 to 150 feet wide as shown on the site plan;
  - b. Limit of disturbance;
  - c. Methods and location of tree protection;
  - d. Forest Conservation areas;
  - e. Conditions of MCDPS Water Quality/Stormwater Management Concept approval letter dated January 15, 1998;
  - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - g. The development program inspection schedule.
  - h. Category I conservation easement and park dedication boundary
  - i. Street trees along all public and private streets inclusive of the arterial streets surrounding the project;
  - j. Centralized, screened trash areas for all multi-family and one-family attached units

except townhouses.

- k. Details for and location of noise fencing to attenuate current noise levels to no more than 45 dBA Ldn for the outdoor back yard area of homes at Stringtown Road and Midcounty Arterial.
  - l. Certification from a professional acoustical engineer that the building shell will attenuate current noise levels to an interior level not to exceed 45 dBA Ldn.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and MCDEP issuance of sediment and erosion control permit.
  4. No clearing or grading prior to Planning Department approval of signature set of plans.

g:\spopinio\8-98001



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

**Date Mailed: MAR 21 2005**

**Action: Approved Staff Recommendation.**  
**Motion of Commissioner Wellington,**  
**seconded by Commissioner Perdue, with a**  
**vote of 4-0.**  
**Chairman Berlage and Commissioners**  
**Perdue, Wellington and Robinson voting in**  
**favor.**

**MONTGOMERY COUNTY PLANNING BOARD**  
**OPINION**

Site Plan No.: 8-02014B and 8-98001G  
Project: Clarksburg Town Center  
Date of Hearing: February 10, 2005

The date of this written opinion is MAR 21 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, thirty days from the date of this written opinion. This site plan shall remain valid as provided in Section 59-D-3.8.

**INTRODUCTION**

On February 10, 2005, Site Plan Review #8-02014B and #8-98001G 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.

Clarksburg Town Center  
Site Plan No.: 8-02014B and No. 8-98001G  
Page 2

### **THE SUBJECT PROPERTY**

The proposed lots are within Clarksburg Town Center, a subdivision with a potential of 1,300 units as approved in Preliminary Plan # 1-95042. CTC is located east of MD Route 355 and south of Clarksburg Road, and east of the Clarksburg Road intersection with I-270. Clarksburg Road, Snowden Mill Parkway (A-305), Stringtown Road and the historic district that encompasses MD Route 355, just beyond the site to the east, define the boundaries of the site.

The headwaters of the Little Seneca Stream Valley create the basis of the open spaces preserved internally. The M-NCPPC Greenway Trail will bisect the project and will connect to Little Bennett Park to the north and to Clarksburg Village and M-NCPPC Ovid Hazen Wells Park further to the southeast.

### **PROJECT DESCRIPTION:**

The proposed units are within the neo-traditional grid of Clarksburg Town Center and sites are either defined by the adjacent buildings, streets and rough graded lots or are not yet developed and are still in mass graded condition. The subject properties front the following streets: Catawba Hill Drive, Clarksburg Square Road, Clarksburg Square Road, and Clarksburg Road.

### **BACKGROUND**

### **PROPOSED DEVELOPMENT**

The proposal will enlarge the footprint and unit count of five multifamily buildings within Phase One and Two of Clarksburg Town Center subdivision. The units were originally approved as 9-unit, three story buildings in a "T" footprint. The amendment is to create two-11 unit buildings and three-12 unit buildings, all three stories in a square footprint of 5,260 s.f. The buildings are 40' 8" in height.

The building locations act as cornerstones to the blocks they edge, creating visible entrances or gateways to different parts of the neighborhood. The building locations are the same location they were placed in earlier approvals for Phase I and II site plans. At three stories, the buildings are at the same scale as the adjacent townhomes and single-family detached houses. Enclosed dumpsters with landscaping and wooden fences are provided adjacent to each manor home.

The units are designed to look like a single "manor home" and have one highly definable front door, one rear door, and a patio or balcony for several of the units.

Clarksburg Town Center  
Site Plan No.: 8-02014B and No. 8-98001G  
Page 3

Depending on their location, they have parking either within the lower floor or immediately adjacent in internal block parking and adjacent street parking.

Landscaping provided for each unit includes wrap around foundation planting, flowering or evergreen trees and shade trees on site and in the adjacent right-of-way. Lighting for each building includes wall mounted lights over the parking areas and adjacent to the doors. The lighting fixtures include cut-off features. Streetlights are provided in the public streets, as provided for in the earlier site plan approvals.

Parking is provided within garages, behind the units in small parking lots or on the public streets. The attached exhibits show the parking for each building. Additionally, the Applicant has prepared a study of available on-street parking spaces in the vicinity of each Manor Home. It indicates adequate availability of on-street parking.

### **SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD**

At the public hearing staff gave a presentation summarizing the proposed development, and recommended approval of the project, subject to conditions, as reflected in the staff report. Staff noted that the staff report needed to be corrected to reflect that Phase I of the project is short six moderately priced dwelling units ("MPDUs"), (not a 23-unit shortage, as indicated in the staff report). Staff, in response to Boardmember questioning, indicated that these MPDU units would be constructed in later phases of the project. ✓

The applicant, represented by legal counsel, appeared and testified. The applicant did not raise any objections to the staff recommendation of approval or to staff's recommended conditions of approval, and concurred with the conditions as revised by the Planning Board, reflected below.

Three co-chairs of the Clarksburg Town Center Advisory Committee ("CTCAC") appeared to testify. They testified in support of the general land use plan for the Clarksburg Town Center, and their comments focused on that issue. They noted that the project supports the master plan objective of providing a wide choice of housing types, and neighborhoods for people of all ages, incomes and lifestyles. They (1) raised concerns about the building heights, stating that in their opinion the buildings should not exceed 45 feet in height; (2) expressed support for additional six parking spaces in the alleyway shown on the plan; and (3) expressed concern about the exterior building materials shown on the plans, seeking alterations to the original choice of exterior building materials, and in particular the ratio of brick to siding. The applicant testified, in response, that it would continue to work with the CTCAC as it finalized its building elevation design. The applicant also testified that the buildings would not exceed 45 feet in height. The applicant indicated that it intends to add six parking spaces in a site plan that will be presented to the Board in

Clarksburg Town Center  
Site Plan No.: 8-02014B and No. 8-98001G  
Page 4

a subsequent phase (Site Plan No. 8-98001G), and staff noted that the additional spaces should be reviewed at that time, rather than included in the instant approval.

In response to Boardmember inquiries, the applicant testified that the MPDUs that need to be provided are expected to be presented in a subsequent phase for Planning Board review in the spring of 2005, and staff noted that the conditions of approval for those phases are included in this approval and consequently those phases will be governed by this approval. ✓

### FINDINGS

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required.

The proposed development is consistent with the approved Project Plan in land use, density, location and building height and development guidelines.

2. The Site Plan meets all of the requirements of the zone in which it is located.

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the RMX-2 zone as demonstrated in the project Data Table contained in the staff report.

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

- a. Buildings

The building locations conform to earlier site plan approvals with the Manor Homes in their cornerstone locations within their blocks. At three stories, the Manor Homes are consistent with the adjacent townhouse and single-family development in scale and placement.

- b. Open Spaces

The plan maintains the proposed open space locations within the subdivision at large as proposed in earlier approvals for Phase I and II (Greenway Trail and local parks internal to the subdivision). The footprint



Clarksburg Town Center  
Site Plan No.:8-02014B and No. 8-98001G  
Page 5

has expanded for each building (as noted in the Old and New Manor Home Comparison chart) and but with no significant impact on the

The storm water management concept for the amendment does not adversely impact the water quality features of this drainage area. The revision has a relatively similar impervious area as the original design of the associated water quality structure. No amendment to the Final Water Quality Plan has been required for this minor amendment.

c. Landscaping and Lighting

The landscape plan for the proposed manor homes provides attractive streetscape shade trees, foundation plantings, screen planting for parking areas and screen/buffer to adjacent homes. The addition of screening and landscaped areas enhances the screening of the parking areas from adjacent streets.

The lighting plan includes wall-mounted lighting with cut-off features for the garage mounted lighting and residential styled lighting for the entry to each front door. The streetlights conform to the street lights previously approved with the original Phase I and II site plan.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above. The proposed recreation facilities, include many local play areas, stream valley trail system, pedestrian paths and sidewalks, sitting areas and park dedication and other improvements.

e. Vehicular and Pedestrian Circulation

Access points to the site are to be provided consistent with the grid based neotraditional street pattern that was approved with earlier site plans. On-street parking for Building #3 has been expanded with parallel parking on both sides of the internal drive adjacent to Clarksburg Road. The garage of Building #11 has been reoriented to minimize views of the parking areas from the adjacent greenway trail area.

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

Clarksburg Town Center  
Site Plan No.:8-02014B and No. 8-98001G  
Page 6

Each unit is compatible with the adjacent units: the three story structures are similar to the adjacent two and three story buildings and they are residential in character.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Site Plan conforms to the earlier Forest Conservation Plans as previously approved.

### **PLANNING BOARD ACTION AND CONDITIONS**

The Montgomery County Planning Board APPROVES Site Plan Review #8-02014B and 8-98001G for 58 multifamily dwelling units inclusive of 10 MPDUs on 270.16 gross acres in the RMX-2 zone with the following conditions:

**STAFF RECOMMENDATION:** Approval of 58 multifamily dwelling units inclusive of 10 MPDUs, with the following conditions:

1. **Conformance to earlier conditions**

All prior approvals, including the conditions of approval, unless expressly modified in through this amendment, shall remaining full force and effect. The Development Program and Site Plan Enforcement Agreements shall be revised to include this amendment.

2. **Lighting**

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential/commercial development.
- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.

3. **Forest Conservation**

The applicant shall comply with the earlier conditions of approval from M-NCPPC-Environmental Planning in the memorandum.

Clarksburg Town Center  
Site Plan No.:8-02014B and No. 8-98001G  
Page 7

4. Stormwater Management

The proposed development conforms to the earlier approvals for the Stormwater Management Concept approval and the Final Water Quality Approvals for Site Plans 8-98001G and 8-02014B.

5. Landscape Plan

The plans shall be amended to include the following:

- a. Additional landscaping to be added behind the rear of the free standing garage and the adjacent home for Building 12.
- b. Show all street trees and sidewalks for all sides of Building 11.
- c. Review shade tree selections for parking areas for adequacy of shade and mass.

6. Architectural Details

- a. The buildings shall not exceed 45 feet in height.
- b. The Applicant shall submit revised elevations showing architectural materials for Planning Board staff final review and approval, following consultation with the Clarksburg Town Center Advisory Committee.

\* \* \* \* \*

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

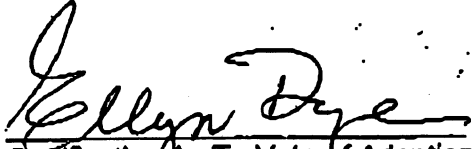
MR 3/4/05  
Approved for legal sufficiency  
M-NCPPC Office of General Counsel

Clarksburg Town Center  
Site Plan No. 8-02014B and No. 8-98001G  
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MAR 22 2005

**CERTIFICATION OF BOARD VOTE ADOPTING OPINION**

At its regular meeting, held on Thursday, March 10, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Robinson, seconded by Commissioner Wellington, with Commissioners Perdue, Robinson, and Wellington voting in favor of the motion; Commissioner Bryant abstaining; and Commissioner Bertage absent, adopted the attached Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Clarksburg Town Center, Site Plan No. 8-02014B and No. 8-98001G.

  
Elynn Dye  
Certification As To Vote of Adoption  
Technical Writer