



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

MCPB
ITEM #4A
4/15/10



MEMORANDUM

DATE: December 17, 2004

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan of Subdivision – Limited Amendment

APPLYING FOR: Addition of 100 multi-family, age restricted housing units and transfer of 89,000 square feet of approved retail use from the adjacent Greenway Village property to be developed by this applicant as part of Phase III of the subject Preliminary Plan.

PROJECT NAME: Clarksburg Village

CASE #: 12001030E

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200/TDR2&3, R-200 and PD-4

LOCATION: Located in the south quadrant of the intersection of Stringtown Road and Piedmont Road, and extending southeast from Stringtown Road to Ridge Road (MD 27)

MASTER PLAN: Clarksburg

APPLICANT: Clarksburg Village Investments, Inc.

ENGINEER: Charles P. Johnson & Associates

FILING DATE: November 17, 2009

HEARING DATE: April 15, 2010

SITE DESCRIPTION:

The property included in the preliminary plan encompasses approximately 790 acres located in the south quadrant of the intersection of Stringtown Road and Piedmont Road, and extending southeast from Stringtown Road to Ridge Road (MD 27). The property is zoned R-200/TDR 2&3, R-200 and PD-4. The approved development on the site under the preliminary plan includes a maximum of 2,654 residential dwelling units (1,301 single-family detached dwelling units, 993 townhouses, 360 multi-family dwelling units), 20,000 square feet of retail use and a 5,000 square foot daycare facility. The entire site is within the Clarksburg Special Protection Area.

PREVIOUS APPROVALS:

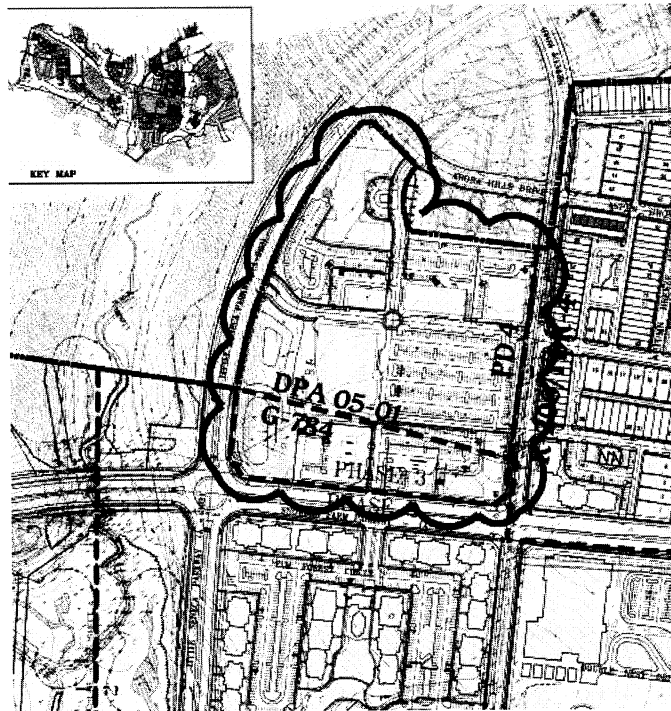
The original preliminary plan for Clarksburg Village was approved on July 30, 2001 with the conditions included in the Planning Board’s Opinion dated September 12, 2002 (Attachment A). The plan was subsequently amended three times. The first amendment incorporated the acreage of the adjacent Nanna Property (Preliminary Plan 119930070) into Clarksburg Village along with its 27 approved residential lots. A second amendment increased the total residential development by another 64 units, and the last amendment made several changes to bring the Preliminary Plan into conformance with a Compliance Program that had been established for the Phase I site plan. The Planning Board Opinions/Resolutions of these actions are included in Attachments B-D. One additional amendment was also filed prior to the current submittal, but that application was withdrawn.



Overall Preliminary Plan

CURRENT PROJECT DESCRIPTION:

This limited amendment includes the addition of approximately 17 acres of land area to the approved Clarksburg Village preliminary plan, transfer of 89,000 square feet of retail use from the adjacent Greenway Village at Clarksburg development (Preliminary Plan No. 12002033A) that will be constructed as part of the Phase III site plan for the subject site, addition of 100 multi-family, age restricted dwelling units, and modification of several of the previous conditions of approval to reflect later actions taken by the Planning Board as part of site plan reviews. The 17-acre tract being added is located on the south side of Little Seneca Parkway (A-302) just east of its intersection with Snowden Farm Parkway (A-305).



Retail Area

PRELIMINARY PLAN ANALYSIS AND FINDINGS

- 1. The Preliminary Plan continues to substantially conform to the Clarksburg Master Plan.*

The mix of retail and age restricted residential uses that are included in this limited amendment were found to be in substantial conformance with the 1994 Clarksburg Master Plan as part of the previous reviews for Clarksburg Village (Preliminary Plan 120010300), Greenway Village at Clarksburg (Preliminary Plan 120002033A), and Development Plan Amendment DPA 05-1. Those findings continue to apply. The subject property is located in the Newcut Road Neighborhood defined in the Master Plan. The Master Plan recommended development in the Newcut Road Neighborhood as a mixed-use neighborhood with a transit-

oriented land use pattern and interconnected streets, and strong pedestrian and bicycle linkages to schools, parks and the Clarksburg greenway network. The Plan also recommended a diversity of housing types that are dispersed within the neighborhood. The proposed uses include neighborhood-serving retail and age restricted housing that will be near shopping, bus routes and a public trail system.

The Master Plan also makes recommendations for the for the adjacent Town Center analysis area that affect this application. The master plan “recognizes that retail uses are critical to the validity of the Town Center” and contribute to “reinforcing the Town Center as a central focus for the entire Clarksburg area.” The Plan also “recommends that early retail development priority be given to the Town Center.” Specifically, the Plan states, “[r]etail development in the Newcut Road and Cabin Branch neighborhoods should follow the development of approximately 90,000 square feet of retail uses in the Town Center. (MP, Pg., 190).” This recommendation was incorporated into the approval of the DPA for the subject property by the inclusion of a binding element that requires the development of at least 90,000 square feet of retail uses in the Town Center prior to any retail construction on this property. A similar condition is recommended as part of this plan amendment.

2. *Public facilities will be adequate to support and service the area of the proposed amendment to the subdivision, and the Planning Board’s previous findings concerning the adequacy of public facilities for the remainder of the subdivision still apply.*

Public facilities are available and remain adequate to serve the proposed development. The retail uses included in this application were approved as part of the original preliminary plans for Clarksburg Village and Greenway Village at Clarksburg. The previously required transportation improvements provide sufficient transportation capacity to accommodate the use and no other transportation issues have been identified regarding the proposed amendment. The staff analysis of the proposed age restricted housing was conducted at the time of the Development Plan Amendment (DPA-05-01) and concluded that the comprehensive roadway improvements that were conditioned of approval for Clarksburg Village and Greenway Village preliminary plans will also adequately address the transportation requirements for this use. The previously approved Adequate Public Facilities reviews for the Clarksburg Village and Greenway Village plans remain valid until July 30, 2017 and December 7, 2016, respectively. Prior to these dates, the applicant must obtain building permits for the entire development or request an extension.

As set forth in the Planning Board’s opinions and resolutions for the previous approvals, the following findings still also apply:

3. *The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.*
4. *Previous waiver granted by the Planning Board to permit lots without frontage on a public street still applies.*

5. *Previous findings by the Planning Board to permit dedication of less than 25' corner truncations, and the use of reduced tertiary streets still apply.*
6. *The Application continues to satisfy all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*
7. *The Application continues to meet all applicable stormwater management and water quality plan requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the previous determination by the Montgomery County Department of Permitting Services ("MCDPS") and the Planning Board that the Stormwater Management Concept and Water Quality Plan meet MCDPS's standards.*

STAFF RECOMMENDATION AND CONDITIONS FOR THE PRELIMINARY PLAN AMENDMENT

Approval of the proposed amendment to Preliminary Plan 12001030E, including the previously granted waivers of §50-26(e)(3) pursuant to §50-38(a) to permit non-standard intersection truncations, and §50-29(a)(2) pursuant to §50-38(a) to permit lots without frontage on a public street, as shown on the preliminary plan; and subject to the following conditions:

- 1) Approval of this preliminary plan is limited to a maximum of 2,753 residential dwelling units (including a maximum 100 multi-family, age restricted units), and 109,000 square feet of retail use (including 89,000 square feet of retail use approved under Preliminary Plan 12002033A and being constructed as part of Phase III of the subject Preliminary Plan).
- 2) Consistent with the binding elements of approved DPA 05-1, building permits must not be issued for the Phase III retail/commercial uses approved with this plan until building permits have been issued for at least 90,000 square feet of the 194,720 square feet of the retail use approved for the Clarksburg Town Center plan (Preliminary Plan 11995042A). If the Applicant seeks and is granted an amendment to the approved Development Plan that modifies or removes this requirement, construction of Phase III retail/commercial may take place without further amendment to this Preliminary Plan.
- 3) Conformance to the conditions stated in the Montgomery County Department of Permitting Services (MCDPS) preliminary water quality plan approval letter, dated July 25, 2001; and the final water quality plan approval letters, dated December 15, 2004 (Phase I Site Plan) and September 19, 2008 (Phase II Site Plan).
- 4) Applicant must construct Foreman Boulevard to allow for a grade separated crossing for the hiker/biker Greenway Trail. The trail crossing should be constructed to accommodate the trail under Foreman Blvd. without changing the natural location, configuration, or composition of the stream channel, and should be located to minimize flooding of the trail and minimize surface water runoff from the paved trail directly to the stream. Applicant must also provide a safe and adequate at-grade

Greenway Trail crossing of Midcounty Highway/Snowden Farm Parkway that is satisfactory to M-NCPPC and Montgomery County Department of Transportation (MCDOT) staff. Exact configuration of this path shall be determined at site plan.

- 5) The park area designated as a Local Park and located on the north side of Snowden Farm Parkway in the Phase II section of the project will be graded according to the park layout concept plan, surfaced with topsoil, and fine graded, and seeded as appropriate for ball field cover. The park will be dedicated to M-NCPPC at the time of record plat for the portion of the property that includes the park area. Applicant to provide engineering for the park site that adequately provides for grading, seeding and the needed quantity and quality stormwater management for these facilities. Applicant must provide adequate off site quantity stormwater management for the planned park facilities and shall construct quantity and quality stormwater management to sufficiently accommodate any park facilities constructed by the Applicant. Any park improvements are to be constructed to park standards and specifications. Specific types of recreation facilities, if any, and their arrangement on the property must be coordinated with M-NCPPC staff.
- 6) The Applicant must provide 379 TDRs per the Phase II Site Plan approved February 5, 2009 by the Planning Board. Final number of MPDUs and TDRs as determined by the site plan(s).
- 7) This Preliminary Plan will remain valid until July 30, 2017 and shall be phased for recordation as follows:
 - Phase One: 300 dwelling units by July 30, 2004
 - Phase Two: 997 dwelling units by July 30, 2011
 - Phase Three: 1,700 dwelling units by July 30, 2014
 - Phase Four: All dwelling units and the lot(s) for the office/retail use by July 30, 2017Prior to the expiration of this validity period, a final record plat for all property included in each phase must be recorded among the Montgomery County Land Records or a request for an extension must be filed.
- 8) No recording of lots prior to site plan approval.
- 9) The Adequate Public Facility (APF) review for the 89,000 square feet of retail use approved under Preliminary Plan 12002033A and being constructed as a part of the subject Preliminary Plan will remain valid until December 7, 2016. The APF review for the 2,753 dwelling units and 20,000 square feet of office/retail use included in the subject Preliminary Plan will remain valid until July 30, 2017.
- 10) The following previous conditions of approval for Preliminary Plan 12001030C, as contained in the Planning Board Resolution dated July 18, 2007, and Preliminary Plan 12001030, as contained in the Planning Board Opinion dated January 23, 2003, remain in full force and effect:

- a. At least sixty (60) days prior to the submission of a complete Site Plan application the applicant shall submit an "Infrastructure Plan" for Planning Board review. The plan shall include the following:
 - i. Location and types of stormwater management facilities for quality and quantity controls that comply with the conditions of MCDPS' preliminary water quality plan
 - ii. Delineate bike and pedestrian access pathways including all at grade and below grade crossings along all road rights of way and at stream crossings
 - iii. All roadway networks including both private and public connections. Streetscape, lighting, sidewalks and paving materials
 - iv. Delineation of "Greenway" and other open space areas including all environmental buffers
 - v. School sites and Park areas
 - vi. Recreation guidelines concept plan
 - vii. Proposed schedule for clearing and grading of site
- b. To satisfy Policy Area Transportation Review:
 - i. The applicant shall participate in widening MD 27 to six through travel lanes from Observation Drive in Germantown through the A-305 intersection; transitioning to two travel lanes through the Skylark Road intersection, including dedication along the site frontage. This improvement along MD 27 is consistent with the master plan recommendation. If, after master plan dedication along the west side of MD 27, sufficient right-of-way is not available for the proposed widening, the applicant has to either acquire additional right-of-way on the east side of MD 27 or dedicate additional right-of-way and widen MD 27 on their development side.
 - ii. The applicant shall dedicate on-site portions and participate in constructing Relocated Newcut Road (A-302) as a two lane divided arterial roadway between MD 27 and the A-305 intersection and as a four lane divided roadway between A-305 and MD 355.
 - iii. The applicant shall dedicate and participate in the constructing of A-305 as a four lane divided arterial roadway between MD 27 and Stringtown Road.
 - iv. The applicant shall dedicate and participate in constructing Foreman Boulevard as a two lane arterial roadway from its current terminus at Timber Creek Lane to A-305.
 - v. The applicant shall dedicate and participate in widening Stringtown Road as a four lane arterial along their frontage. This roadway improvement can be implemented by either the Department of Public Works and Transportation's CIP project, as a developer participation project or as the Clarksburg Town Center Development District.
- c. To satisfy Local Area Transportation Review:
 - i. The applicant shall participate in constructing a second left-turn lane from northbound MD 355 to westbound MD 27.

- ii. The applicant shall participate in constructing additional turn/approach lanes on MD 27 and Brink Road at the intersection of MD 27/Brink Road.
- iii. The applicant shall participate in providing a separate left-turn lane from southbound MD 355 to eastbound Brink Road and a separate left-turn lane from westbound Brink Road to southbound MD 355.
- d. The applicant shall agree that the roadway improvements listed as conditions of approval are under construction in accordance with the phasing of road improvements for Clarksburg/DiMaio development as described in Mr. Rafferty's letter dated August 5, 2002 and confirmed in Transportation Planning Division memorandum dated August 22, 2002.
- e. The applicant shall construct the following roads as standard closed section primary residential streets, unless otherwise approved by MCDPWT:
 - Street "C" between A-305 and Street "D"
 - Street "M" between A-305 and Street "E"
 - Street "E" between A-305 and Street "M"
 - Street "T" between A-305 and Street "Y"
 - Street "Y" between Streets "T" and "Z"
 - Street "GG" between its intersections with A-305
 - Street "Z" next to school
- f. The applicant shall construct two roundabouts (or otherwise acceptable alternative approved by MCDPWT) on A-305 as shown on the preliminary plan to define the boundaries of the business district portion of this roadway.
- g. The applicant shall construct A-305 as a business district street between the two roundabouts in accordance with DPWT Standard No. MC-219.03.
- h. All road rights of way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Clarksburg Master Plan, unless otherwise designated on the preliminary plan.
- i. All roads shown on the approved preliminary plan shall be constructed by the applicant to the full width mandated by the approved and adopted Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan "To be Constructed by ____" are excluded from this condition.
- j. Additional forest save areas to be created adjacent to the environmental buffer at the northwestern portion of the property. This will require reconfiguration of the layout for that portion of the property at site plan.
- k. At site plan, the following stormwater management facilities to be reconfigured to maintain at least half of the environmental buffer widths as undisturbed areas: Ponds B, C, L, N and V. Reconfigure Pond Q and adjacent sewer line to maintain most of the environmental buffer as undisturbed area. Eliminate, if possible, or minimize the footprint of Pond J by providing stormwater management quantity and quality controls at alternative location. For remaining stormwater management facilities, any environmental buffer encroachments to be no more than that shown on the concept study, dated 4/12/01, or on the amended preliminary plan drawing.

- i. The Applicant shall comply with the conditions of approval of the final forest conservation plan submitted on December 20, 2006. The applicant shall satisfy all conditions of approval before recording of the record plat(s) or MCDPS issuance of erosion and sediment control permits. Conditions include but are not limited to:
 - i. Applicant to post a new financial security instrument for the entire forest planting area that includes the additional 2-2½" caliper trees required as part of the site plan Compliance Program.
 - ii. Applicant shall honor the limits of disturbance as shown on the April 12, 2005 approved final forest conservation plan between lots 106 and lot 128 of Block U.
 - iii. Applicant to provide compensation for the loss of 2.14 acres of forest that is shown on the April 12, 2005 approved plan. Compensation must be in addition to areas previously shown as saved or planted.
- m. Measures to mitigate traffic noise impacts on residential uses to be shown at site plan. Mitigation measures to be shown along Ridge Road. Mitigation measures may also be needed along Stringtown Road, A-302, and A-305.
- n. Applicant to construct an 8-foot wide asphalt hiker/biker trail, with 10-foot wide cleared width boardwalks and bridges, within the Clarksburg Greenway from Stringtown Road to Newcut Road/Little Seneca Parkway, then north to the Greenway Village development to connect with the portion of trail being constructed as part of that project. Greenway Trail and community access trails to include necessary bridges and boardwalk and be constructed to park standards and specifications. Prior to construction, Applicant to obtain a park permit. Trails to be clearly marked or constructed prior to beginning construction on homes adjacent to the Greenway parkland.
- o. The trail alignment for the portion of the Greenway Trail near the confluence of Little Seneca Creek and Town Center Tributary to be determined at the time of permitting for the construction of Little Seneca Parkway/A-302. The preliminary plan shall be revised to show two alternative routes for the Greenway Trail in this stream confluence area. The preferred route would continue through the Bradley Property and would be constructed by Applicant if M-NCPPC can secure, at a reasonable cost, the acquisition of land or easement from the property owner. The alternative route would circumvent the Bradley property on land already owned by Applicant and be constructed if the acquisition of the land or easement cannot be reasonably accomplished by the time permits are needed for construction of Little Seneca Parkway. The exact delineation and details of these two alignments shall be determined as part of the site plan.
- p. The Applicant shall dedicate to M-NCPPC the property within the delineated Clarksburg Greenway along Little Seneca Creek and Little Seneca Tributary. Include in dedication the land along the Little Seneca tributary north of Snowden Farm Parkway to the northern boundary of the project property where the Baltimore Checkerspot Butterfly is located. Land to be conveyed at time of record plat for the lots adjacent to the dedicated property. Dedicated

- parkland to be conveyed free of trash and unnatural debris, and boundaries between parkland and private properties to be clearly staked and signed.
- q. The school/park site off of Snowden Farm Parkway in the Phase I section of the project, will be graded, surfaced with topsoil, fine graded and seeded as appropriate for ball field cover. Recreation and parking facilities will be constructed thereon by Applicant in accordance with the Planning Board approved site plan Compliance Program. All athletic fields and practice field areas shall include adequate topsoil and seeding or sodding per park ballfield standards and specifications. Athletic fields, the parking lot, and picnic shelters shall be graded and constructed to park standards and specifications. The entire school/park site to be conveyed to M-NCPPC at time of record plat for the development area that includes the school/park site. If the school is constructed, M-NCPPC to convey the needed portion of the site to the County/Board of Education for such use. If the school is not constructed, the entire school/park site will be owned and managed by M-NCPPC for use as parkland.
 - r. Phasing of the dedication of the school/parks sites shall be incorporated as part of the phasing schedule included in the site plan approval.
 - s. At site plan address specifically the following:
 - i. Dwelling unit type and layout within the mixed use center
 - ii. Coordinate with adjoining property owner to achieve a well integrated and designed commercial center that locates parking to the rear and provides special treatment for paving, seating, landscaping, lighting and other pedestrian amenities
 - iii. Provide adequate "windows" into open space areas
 - iv. Dwelling unit orientation along all road rights of way
 - t. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
 - u. All prior applicable conditions of Preliminary Plan No. 1-93007, Nanna Property remain in full force and effect.
 - v. The Applicant shall record new record plats to revise the rights-of-way for the following roads to meet MCDPWT Standard No. mc-210.03 (reduced width tertiary) as required by the site plan Compliance Program:
 - Bent Arrow Drive (from station 10+52 to 5+90 (approximate))
 - British Manor Drive (from station 1+03 to 0+00 (approximate))
 - Granite Rock Road (from station 10+15 to 15+07 (approximate))
 - Robin Song Drive (from station 5+90 to 8+11 (approximate))The Applicant shall also record new record plats to modify the square footage of the residential lots abutting these rights-of-way, where necessary, and to show necessary public improvement easements (PIEs).
 - w. The boundary of the Preliminary "lan shall be expanded to include Outlot C, Block F and Outlot D, Block E in the adjacent Greenridge Acres Subdivision, which were placed in reservation for the construction of A-305 (Midcounty Highway). The Applicant shall file a record plat that dedicates a portion of this land for the right-of-way of A-305.

- x. The Applicant shall submit an amendment to the approved Phase I Site Plan that reflects the revised layouts of blocks F, G, H, K, L, P, T, and V, as shown on the amended preliminary plan and discussed in the site plan Compliance Program. Final design of these areas shall be determined by the amended site plan.
- y. The boundary of the Preliminary Plan shall be modified to reflect land swaps between Clarksburg Village and the adjacent Greenway Village Subdivision, as shown on the Preliminary Plan.
- z. The Applicant shall comply with the conditions of the MCDPWT approval letter, dated December 21, 2006, unless otherwise amended by MCDPWT.



Date Mailed: September 12, 2002

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by
Comm. Perdue with a vote of 4-0;
Comms. Bryant, Holmes, Perdue and
Wellington voting in favor

CORRECTED
MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-01030

NAME OF PLAN: CLARKSBURG VILLAGE AND SPECIAL PROTECTION AREA WATER QUALITY PLAN

On 11/29/00, CLARKSBURG VILLAGE, LLC submitted an application for the approval of a preliminary plan of subdivision of property in the R-200/TDR-3 and TDR-4, R-200 and PD-4 zones. The application proposed to create 2,563 lots on approximately 700 acres of land. The application was designated Preliminary Plan 1-01030. On 07/30/01, Preliminary Plan 1-01030 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 1-01030 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-01030.

- (1) Approval under this preliminary plan is limited to a maximum of 2,563 Residential Dwelling Units, 20,000 Square Feet Office/Retail Use and 2,500 Square Feet Daycare Facility
- (2) At least sixty (60) days prior to the submission of a complete Site Plan application the applicant shall submit an "Infrastructure Plan" for Planning Board review. The plan shall include the following:
 - a) Location and types of stormwater management facilities for quality and quantity controls that comply with the conditions of MCDPS' preliminary water quality plan
 - b) Delineate bike and pedestrian access pathways including all at grade and below grade crossings along all road rights of way and at stream crossings
 - c) All roadway networks including both private and public connections. Streetscape, lighting, sidewalks and paving materials
 - d) Delineation of "Greenway" and other open space areas including all environmental buffers
 - e) School sites and Park areas (adequate to provide for current programming needs)
 - f) Recreation guideline concept plan
 - g) Proposed schedule for clearing and grading of site

- (3) To satisfy Policy Area Transportation Review:
- a. The applicant shall participate in widening MD 27 to six through travel lanes from Observation Drive in Germantown through the Brink Road intersection, and to four through travel lanes through the A-305 intersection; continue two northbound travel lanes through the Skylark Road intersection, including dedication along the site frontage. This improvement along MD 27 is consistent with the master plan recommendation. If, after master plan dedication along the west side of MD 27, sufficient right-of-way is not available for the proposed widening, the applicant has to either acquire additional right-of-way on the east side of MD 27 or dedicate additional right-of-way and widen MD 27 on their development side
 - b. The applicant shall dedicate on-site portions and participate in constructing Relocated Newcut Road (A-302) as a two lane divided arterial roadway between MD 27 and the A-305 intersection and as a four lane divided roadway between A-305 and MD 355
 - c. The applicant shall dedicate and participate in constructing A-305 as a four lane divided arterial roadway between MD 27 and Stringtown Road
 - d. The applicant shall dedicate and participate in constructing Foreman Boulevard as a two lane arterial roadway from its current terminus at Timber Creek Lane to A-305
 - e. The applicant shall dedicate and participate in widening Stringtown Road as a four lane arterial along their frontage. This roadway improvement can be implemented by either the Department of Public Works and Transportation's CIP project, as a developer participation project or as the Clarksburg Town Center Development District.
- (4) To satisfy Local Area Transportation Review;
- a. The applicant shall participate in constructing a second left-turn lane from northbound MD 355 to westbound MD 27
 - b. The applicant shall participate in constructing additional turn/approach lanes on MD 27 and Brink Road at the intersection of MD 27/Brink Road
 - c. The applicant shall participate in providing a separate left-turn lane from southbound MD 355 to eastbound Brink Road and a separate left-turn lane from westbound Brink Road to southbound MD 355.
- (5) The applicant shall agree that the roadway improvements listed as conditions of approval are under construction in accordance with the phasing of road improvements for Clarksburg/DiMaio development as described in David D. Flanagan's letter dated March 14, 2001 and confirmed in our letter dated March 29, 2001.
- (6) The applicant shall construct the following roads as standard closed section primary residential streets:
- Street "C" between A-305 and Street "I"
 - Street "M" between A-305 and Street "E"
 - Street "E" between A-305 and Street "M"
 - Street "T" between A-305 and Street "W"
 - Street "Y" between Streets "T" and "Z"
 - Street "GG" between its intersections with A-305
 - Street "R" - approximately 400' from A-305 (or correspond to first intersection)
 - Street "Z" next to School

- (7) The applicant shall construct two roundabouts on A-305 as shown on the preliminary plan to define the boundaries of the business district portion of this roadway.
- (8) The applicant shall construct A-305 as a business district street between the two roundabouts in accordance with DPWT Standard No. MC-219.03
- (9) All roads rights of way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Clarksburg Master Plan, unless other wise designated on the preliminary plan
- (10) All roads shown on the approved preliminary plan shall be constructed by the applicant to the full width mandated by the approved and adopted Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan "To be Constructed by _____" are excluded from this condition
- (11) Additional forest save areas to be created adjacent to the environmental buffer at the northwestern portion of the property. This will require reconfiguration of the layout for that portion of the property at site plan
- (12) At site plan, the following stormwater management facilities to be reconfigured to maintain at least half of the environmental buffer widths as undisturbed areas: Ponds B, C, L, N, and V. Reconfigure Pond Q and adjacent sewer line to maintain most of the environmental buffer as undisturbed area. Eliminate, if possible, or minimize the footprint of Pond J by providing stormwater management quantity and quality controls at alternative locations. For remaining stormwater management facilities, any environmental buffer encroachments to be no more than that shown on the concept study, dated 4/12/01
- (13) Compliance with the conditions of approval for the preliminary forest conservation plan dated July 25, 2001. The applicant must meet all conditions prior to MCDPS issuance of sediment and erosion control permits, as appropriate. Conditions include, but are not limited to, the following:
 - a. Prior to the submission of the first site plan, submit a plan identifying specific areas proposed for natural regeneration and justifying its use in these specific areas. The plan should include measures to enhance the success of natural regeneration. At this time, areas proposed for natural regeneration must be identified in the field so that M-NCPPC may evaluate these areas as to the feasibility of natural regeneration
 - b. Environmental buffers, forest conservation and planting areas, and any natural regeneration areas to be within park dedication areas or in Category I conservation easements. Conservation easements to be shown on record plats
- (14) Conformance to the conditions as stated in DPS preliminary water quality plan approval letter, dated 7-25-01.
- (15) Measures to mitigate traffic noise impacts on residential uses to be shown at site plan. Mitigation measures to be shown along Ridge Road. Mitigation measures may also be needed along Stringtown Rd., A-302, and A-305
- (16) At site plan, provide permanent signage along conservation easement areas to make identify environmentally sensitive areas that are to remain protected Applicant to construct an 8 foot wide paved hiker/biker trail in the Clarksburg Greenway on the property applicant currently owns. The alignment will follow the approximate route as set out in Phase I of the Trail Facility Plan, with the detailed trail location and other design and construction considerations to be worked out by the time of the Infrastructure Plan

- (17) Applicant will construct the portions of the hiker/biker trail from Stringtown Road east to Newcut Road and north to the DiMaio Property that are not on applicant's property, provided that M-NCPPC acquires the ownership or easement rights across the needed property along the trail alignment and funds the proportionate cost to Applicant for construction of these additional sections of trail
- (18) Applicant will construct Foreman Boulevard and Midcounty Highway to allow for grade separated crossing for the hiker/biker Greenway Trail. The trail crossings should be constructed to accommodate the trail under the roads without changing the natural location, configuration or composition of the stream channel, and should be located to minimize flooding of the trail and minimize surface water runoff from the paved trail directly into the stream
- (19) The property within the delineated Clarksburg Greenway along Little Seneca Creek and Little Seneca Tributary will be dedicated to M-NCPPC and the hiker/biker trail constructed or clearly delineated and marked prior to construction of the residences that abut the Greenway
- (20) The park area marked as Jeane Onufry Local Park will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate for ball field cover. Grading plans will be submitted to park staff for review and approval. The park area will be dedicated to M-NCPPC
- (21) The school/park site off of Midcounty Highway will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate for ball field cover. Grading plans will be submitted to park staff for review and approval. The parking and ball field area at the north end of the site will be separately delineated and dedicated to M-NCPPC
- (22) Phasing of the dedication of the school/parks sites shall be incorporated as part of the phasing schedule included with site plan approval
- (23) At site plan address specifically the following:
 - a. Dwelling unit type and layout within the mixed use center
 - b. Coordinate with adjoining property owner to achieve a well integrated and designed commercial center that locates parking to the rear and provides special treatment for paving, seating, landscaping, lighting and other pedestrian amenities
 - c. Provide adequate "windows" into open space areas
 - d. Dwelling unit orientation along all road rights of way
- (24) Provide a minimum of 600 TDR's pursuant to the objectives of the Clarksburg Master Plan based on current dwelling unit approval
- (25) Final number and location of units including number of TDR's to be determined at site plan
- (26) Final number of MPDU's to be determined at site plan dependent on Condition #23
- (27) No clearing, grading, unless designated on "Infrastructure Plan" and recording of lots prior to site plan approval
- (28) The validity of the Preliminary Plan will remain valid until July 30, 2013 and shall be phased for recordation of lots as follows:
 1. Phase One: 300 lots by July 30, 2004
 2. Phase Two: 1,000 lots by July 30, 2007
 3. Phase Three: 1,700 Lots by July 30, 2010
 4. Phase Four: All lots by July 30 2012

Prior to the expiration of the validity periods, a final record plat for all the property delineated in each phase must be recorded or a request for an extension must be filed



Date Mailed: January 23, 2003

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded by
Comm. Wellington with a vote of 4-0;Comms. Bryant, Perdue, Robinson and
Wellington voting in favor

Comm. Berlage temporarily absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-01030 **A**
NAME OF PLAN: CLARKSBURG VILLAGE

On 11/29/00, CLARKSBURG VILLAGE, L.L.C. submitted an application for an amendment of two a preliminary plans of subdivision (1-01030 Clarksburg Village and 1-93007 Nanna Property) of property in the R-200/TDR3 and 4, R-200 and P-D 4 zones. The application proposed to create 2,590 lots, 20,000 Square Feet Retail/Office and 5,000 Square Feet Day Care Facility on 741.4 acres of land. The applications were redesignated Preliminary Plan 1-01030. On 01/09/03, Preliminary Plan 1-01030, Clarksburg Village 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 1-01030 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-01030.

Approval to Revise the Previous Conditions of Approval to Combine Preliminary Plan No. 1-01030 – Clarksburg Village with 1-93007 – Nanna Property

- (1) Approval under this preliminary plan is limited to a maximum of 2,590 Residential Dwelling Units, 20,000 Square Feet Office/Retail Use and 5,000 Square Feet Daycare Facility
- (2) At least sixty (60) days prior to the submission of a complete Site Plan application the applicant shall submit an "Infrastructure Plan" for Planning Board review. The plan shall include the following:
 - a) Location and types of stormwater management facilities for quality and quantity controls that comply with the conditions of MCDPS' preliminary water quality plan
 - b) Delineate bike and pedestrian access pathways including all at grade and below grade crossings along all road rights of way and at stream crossings
 - c) All roadway networks including both private and public connections. Streetscape, lighting, sidewalks and paving materials
 - d) Delineation of "Greenway" and other open space areas including all environmental buffers
 - e) School sites and Park areas
 - f) Recreation guideline concept plan
 - g) Proposed schedule for clearing and grading of site
- (3) To satisfy Policy Area Transportation Review:

- a) The applicant shall participate in widening MD 27 to six through travel lanes from Observation Drive in Germantown through the A-305 intersection; transitioning to two travel lanes through the Skylark Road intersection, including dedication along the site frontage. This improvement along MD 27 is consistent with the master plan recommendation. If, after master plan dedication along the west side of MD 27, sufficient right-of-way is not available for the proposed widening, the applicant has to either acquire additional right-of-way on the east side of MD 27 or dedicate additional right-of-way and widen MD 27 on their development side
 - b) The applicant shall dedicate on-site portions and participate in constructing Relocated Newcut Road (A-302) as a two lane divided arterial roadway between MD 27 and the A-305 intersection and as a four lane divided roadway between A-305 and MD 355
 - c) The applicant shall dedicate and participate in constructing A-305 as a four lane divided arterial roadway between MD 27 and Stringtown Road
 - d) The applicant shall dedicate and participate in constructing Foreman Boulevard as a two lane arterial roadway from its current terminus at Timber Creek Lane to A-305
 - e) The applicant shall dedicate and participate in widening Stringtown Road as a four lane arterial along their frontage. This roadway improvement can be implemented by either the Department of Public Works and Transportation's CIP project, as a developer participation project or as the Clarksburg Town Center Development District.
- (4) To satisfy Local Area Transportation Review;
- a) The applicant shall participate in constructing a second left-turn lane from northbound MD 355 to westbound MD 27
 - b) The applicant shall participate in constructing additional turn/approach lanes on MD 27 and Brink Road at the intersection of MD 27/Brink Road
 - c) The applicant shall participate in providing a separate left-turn lane from southbound MD 355 to eastbound Brink Road and a separate left-turn lane from westbound Brink Road to southbound MD 355.
- (5) The applicant shall agree that the roadway improvements listed as conditions of approval are under construction in accordance with the phasing of road improvements for Clarksburg/DiMaio development as described in Mr. Rafferty's letter dated August 5, 2002 and confirmed in Transportation Planning Division memorandum dated August 22, 2002
- (6) The applicant shall construct the following roads as standard closed section primary residential streets:
- Street "C" between A-305 and Street "J"
 - Street "M" between A-305 and Street "E"
 - Street "E" between A-305 and Street "M"
 - Street "T" between A-305 and Street "W"
 - Street "Y" between Streets "T" and "Z"
 - Street "GG" between its intersections with A-305
 - Street "R" – approximately 400' from A-305 (or correspond to first intersection)
 - Street "Z" next to School
- (7) The applicant shall construct two roundabouts on A-305 as shown on the preliminary plan to define the boundaries of the business district portion of this roadway.
- (8) The applicant shall construct A-305 as a business district street between the two roundabouts in accordance with DPWT Standard No. MC-219.03

- (9) All roads rights of way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Clarksburg Master Plan, unless other wise designated on the preliminary plan
- (10) All roads shown on the approved preliminary plan shall be constructed by the applicant to the full width mandated by the approved and adopted Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan "To be Constructed by _____" are excluded from this condition
- (11) Additional forest save areas to be created adjacent to the environmental buffer at the northwestern portion of the property. This will require reconfiguration of the layout for that portion of the property at site plan
- (12) At site plan, the following stormwater management facilities to be reconfigured to maintain at least half of the environmental buffer widths as undisturbed areas: Ponds B, C, L, N, and V. Reconfigure Pond Q and adjacent sewer line to maintain most of the environmental buffer as undisturbed area. Eliminate, if possible, or minimize the footprint of Pond J by providing stormwater management quantity and quality controls at alternative locations. For remaining stormwater management facilities, any environmental buffer encroachments to be no more than that shown on the concept study, dated 4/12/01
- (13) Compliance with the conditions of approval for the preliminary forest conservation plan dated July 25, 2001. The applicant must meet all conditions prior to MCDPS issuance of sediment and erosion control permits, as appropriate. Conditions include, but are not limited to, the following:
 - a) Prior to the submission of the first site plan, submit a plan identifying specific areas proposed for natural regeneration and justifying its use in these specific areas. The plan should include measures to enhance the success of natural regeneration. At this time, areas proposed for natural regeneration must be identified in the field so that M-NCPPC may evaluate these areas as to the feasibility of natural regeneration
 - b) Environmental buffers, forest conservation and planting areas, and any natural regeneration areas to be within park dedication areas or in Category I conservation easements. Conservation easements to be shown on record plats
- (14) Conformance to the conditions as stated in DPS preliminary water quality plan approval letter, dated 7-25-01.
- (15) Measures to mitigate traffic noise impacts on residential uses to be shown at site plan. Mitigation measures to be shown along Ridge Road. Mitigation measures may also be needed along Stringtown Rd., A-302, and A-305
- (16) At site plan, provide permanent signage along conservation easement areas to make identify environmentally sensitive areas that are to remain protected Applicant to construct an 8 foot wide paved hiker/biker trail in the Clarksburg Greenway on the property applicant currently owns. The alignment will follow the approximate route as set out in Phase I of the Trail Facility Plan, with the detailed trail location and other design and construction considerations to be worked out by the time of the Infrastructure Plan
- (17) Applicant will construct the portions of the hiker/biker trail from Stringtown Road east to Newcut Road and north to the DiMaio Property that are not on applicant's property, provided that M-NCPPC acquires the ownership or easement rights across the needed

- property along the trail alignment and funds the proportionate cost to Applicant for construction of these additional sections of trail
- (18) Applicant will construct Foreman Boulevard and Midcounty Highway to allow for grade separated crossing for the hiker/biker Greenway Trail. The trail crossings should be constructed to accommodate the trail under the roads without changing the natural location, configuration or composition of the stream channel, and should be located to minimize flooding of the trail and minimize surface water runoff from the paved trail directly into the stream
 - (19) The property within the delineated Clarksburg Greenway along Little Seneca Creek and Little Seneca Tributary will be dedicated to M-NCPPC and the hiker/biker trail constructed or clearly delineated and marked prior to construction of the residences that abut the Greenway
 - (20) The park area marked as Jeane Onufry Local Park will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate for ball field cover. Grading plans will be submitted to park staff for review and approval. The park area will be dedicated to M-NCPPC
 - (21) The school/park site off of Midcounty Highway will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate for ball field cover. Grading plans will be submitted to park staff for review and approval. The parking and ball field area at the north end of the site will be separately delineated and dedicated to M-NCPPC
 - (22) Phasing of the dedication of the school/parks sites shall be incorporated as part of the phasing schedule included with site plan approval
 - (23) At site plan address specifically the following:
 - a) Dwelling unit type and layout within the mixed use center
 - b) Coordinate with adjoining property owner to achieve a well integrated and designed commercial center that locates parking to the rear and provides special treatment for paving, seating, landscaping, lighting and other pedestrian amenities
 - c) Provide adequate "windows" into open space areas
 - d) Dwelling unit orientation along all road rights of way
 - (24) Provide a minimum of 600 TDR's pursuant to the objectives of the Clarksburg Master Plan
 - (25) Final number and location of units to be determined at site plan
 - (26) Final number of MPDU's to be determined at site plan dependent on Condition #23
 - (27) No clearing, grading, unless designated on "Infrastructure Plan" and recording of lots prior to site plan approval
 - (28) All prior applicable conditions of Preliminary Plan No. 1-93007, Nanna Property remain in full force and effect
 - (29) The validity of the Preliminary Plan will remain valid until July 30, 2013 and shall be phased for recordation of lots as follows:
 - Phase One: 300 lots by July 30, 2004
 - Phase Two: 1,000 lots by July 30, 2007
 - Phase Three: 1,700 Lots by July 30, 2010
 - Phase Four: All lots by July 30 2013

Prior to the expiration of the validity periods, a final record plat for all the property delineated in each phase must be recorded or a request for an extension must be filed

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: JUL - 6 2005

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-01030B
NAME OF PLAN: Clarksburg Village

The date of this written opinion is JUL - 6 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

INTRODUCTION

On 2/13/04, the applicant, Elm Street Development ("Applicant") submitted an application for the approval of a second amendment to a previously approved and amended preliminary plan of subdivision of property in the R-200/TDR-4, R-200/TDR-3, R-200, PD-4 zone. The instant application for amendment sought the Board's approval to create an additional 64 lots (for a development total of 2,654) on 689.5 acres of land located at southwest quadrant of the intersection of Stringtown Road and Piedmont Road, in the Clarksburg master plan area. The application was designated Preliminary Plan 1-01030B.¹ On 12/23/04, Preliminary Plan 1-01030B was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the

¹ The application was incorrectly noticed as Preliminary Plan No. 1-01030A, which is the plan number for the first amendment.

Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. A corporate officer of the Applicant appeared in person and testified that the Applicant agreed with the Staff recommendation and the recommended condition of approval.

At the hearing, Staff advised the Board that it had received a letter from an adjacent homeowners association ("HOA") expressing a concern with the alignment of A-305, an arterial road that traverses the subject property. Staff stated that the HOA wanted the record to reflect that they do have an issue with the alignment. Staff testified that the alignment in question is not before the Board as a part of the instant application but that Staff would consider the concerns of the HOA at such time as it reviews the site plan for the relevant phase of the Clarksburg Village development.

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, including the Staff Report dated December 17, 2004; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

PROJECT DESCRIPTION

This amendment includes the addition of approximately 30 acres of land to the area of approved preliminary plan. The 30-acre tract is located along Stringtown Road in Clarksburg between the previously approved Clarksburg Village and Clarksburg Highlands preliminary and site plans. The site is completely forested except for a strip of forest cleared for the construction of a WSSC sewer line to service the Clarksburg Town Center development. The property is zoned R-200. The proposed development of the site includes single-family detached units, townhouses and associated infrastructure. The entire site is within the Clarksburg Special Protection Area.

The site is located within the Little Seneca Creek watershed. Water flows to the Town Center tributary, a first order tributary, and then directly to the Little Seneca Creek. The streams are designated as Use IV-P. The natural resource inventory for the 30-acre tract delineates the onsite environmental buffers, forests, steep and moderately steep slopes.

STAFF ANALYSIS AND FINDINGS FOR THE PRELIMINARY PLAN AMENDMENT

Staff's review of Preliminary Plan #1-01030B, Clarksburg Village, indicated that the subject plan conforms to the recommendations of the Clarksburg Master Plan. The application proposed to add acreage to the overall site and construct 64 additional one-family attached residential dwelling units.

TRANSPORTATION

Staff determined that no additional transportation improvement conditions were needed for the proposed 64-townhouse addition to the approved Clarksburg Village development. The previously required transportation improvements provide sufficient transportation capacity to accommodate the proposed addition and no other transportation issues have been identified regarding the proposed amendment. Staff concluded that the subject preliminary plan satisfies the Adequate Public Facilities test.

ENVIRONMENTAL

Water quality plans are required as part of the Special Protection Area regulations. Under the SPA law, Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of the water quality plan. DPS has reviewed and conditionally approved the elements of the water quality plan under their purview. The Planning Board responsibility is to determine if the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements have been satisfied.

Forest Conservation

The applicant proposed to amend the previously approved preliminary plan by adding an additional 30 acres of land to the Clarksburg Village property. The final forest conservation for Clarksburg Village will also be amended with this approval.

The undeveloped 30-acre tract includes 27.5 acres of forest. The applicant proposed removal of 7.5 acres of forest from the tract and the retention of the remainder of the forest onsite. The total planting requirements for the Clarksburg Village final forest conservation plan will be modified and the forest planting amount will also be changed. The applicant proposed to meet the forest conservation requirements for the entire Clarksburg Village development through a combination of forest retention, onsite forest planting of unforested portions of stream valley buffers, planting of upland areas, landscape credit. A five-year maintenance period is required for all forest plantings per the environmental guidelines.

Site Imperviousness

There are no impervious limitations within the Clarksburg SPA. The impervious amount proposed for the additional 30-acre tract is less than 10 percent. Environmental Planning and the applicant worked together to reduce the amount of forest loss, and impervious surfaces, to better protect the environment for this addition to the previously approved plan.

Environmental Guidelines

The environmental guidelines for SPAs require examination of many tools to maximize achievement of site performance goals. For instance, the goal of protecting seeps, springs, and wetlands is better achieved with naturalized buffers surrounding these areas. The natural resource inventory for the Clarksburg Village site identified the environmental buffers, steep and moderately steep slopes, soil types, and priority forests. Environmental buffers include wetlands and wetland buffers, floodplains, and streams and stream valley buffers. The applicant will place forest conservation easements on the environmental buffers and all forests preserved outside of the environmental buffers.

Site Performance Goals

As part of the final water quality plan, several site performance goals were established for the project:

1. Protect the streams and aquatic habitat.
2. Maintain the nature on-site stream channels.
3. Maintain stream base flows.
4. Identify and protect stream banks prone to erosion and slumping.
5. Minimize storm flow runoff increases.
6. Minimize increases in ambient water temperatures.
7. Minimize sediment loading.
8. Minimize pollutant loadings (nutrient and toxic substances).
9. Protect springs, seeps, and wetlands.

Stormwater Management

To help meet these performance goals, the stormwater management plan requires water quality control and quantity control to be provided through a system of linked best management practices (BMPs). Dry ponds, vegetated swales, dry swales, bioretention structures, sand filters, and infiltration/recharge structures will be used for stormwater management.

STAFF RECOMMENDATION

Staff concluded that Preliminary Plan #1-01030B, Clarksburg Village, conforms to the Clarksburg Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommended approval of the amendment to the preliminary plan subject to specified conditions.

FINDINGS

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

- a) The Preliminary Plan No. 1-01030B substantially conforms to the Clarksburg master plan
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

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.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-01030B in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-01030B, subject to the following conditions:

1. Approval under this preliminary plan is limited to a maximum of 2,654 residential dwelling units, 20,000 square feet office/retail use, and 5,000 square foot daycare facility. All previous conditions of approval of the Planning Board opinion dated January 23, 2003, for Preliminary Plan No. 1-01030 remain in full force and effect.

APPROVED AS TO LEGAL SUFFICIENCY
TAB
M-NCPPC LEGAL DEPARTMENT
DATE 6/17/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, June 23, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, 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 Clarksburg Village, Preliminary Plan No. 1-01030B.



Certification As To Vote of Adoption
Technical Writer



MONTGOMERY COUNTY PLANNING BOARD
THE MONTGOMERY COUNTY LEGISLATIVE CAPITAL PARK AND PLANNING COMMISSION

JUL 18 2007

MCPB No. 07-91
Preliminary Plan No. 12001030C
Clarksburg Village
Date of Hearing: February 1, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

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

WHEREAS, on October 30, 2006, Clarksburg Village, LLC ("Applicant"), filed an application for approval of an amendment to a previously approved preliminary plan of subdivision, and its associated Special Protection Area water quality plan, for property consisting of 776.88 acres of land located on the northeast side of Stringtown Road and extending eastward to Ridge Road (MD 27) along the stream valley of Little Seneca Creek ("Property" or "Subject Property"), in the Clarksburg master plan area ("Master Plan"); and

WHEREAS, the amendments requested the following changes:

- 1) Revision to the preliminary plan lot and roadway layout, including requests for waivers to permit certain road intersections to have less than 25' truncations, and certain lots without frontage on a public road.
- 2) Request to modify certain tertiary street rights-of-way to reduced-width tertiary street standards.
- 3) Revision to the boundary and acreage of the preliminary plan.
- 4) Request to modify previous conditions of approval to reflect:
 - a) items incorporated in the plan in response to the Compliance Program for Site Plan No. 820030020;

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

Approved as to
Legal Sufficiency: *DVC 6/1/07*
8787 Georgia Avenue, Suite 1000
MNCPPC Legal Department

Chairman's Office: 301.495.4605 Fax: 301.495.1320
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

- b) roadway construction requirements that reflect actual MCDPWT field approvals;
- c) latest approvals for the forest conservation and water quality plans;
- d) flexibility in the location and design of certain road-separated trail crossings, and roadway intersections; and
- e) revision to the preliminary plan validity period and phasing schedule for recordation of lots.

WHEREAS, Applicant's application was designated Preliminary Plan No. 12001130C, Clarksburg Village ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 5, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on February 1, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on February 1, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Bryant, Hanson, Robinson, and Wellington voting in favor, and Commissioner Perdue absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and approves Preliminary Plan No. 12001030C to amend the previous preliminary plan and Special Protection Area water quality plan, including waivers of §50-26(e)(3) pursuant to §50-38(a) to permit non-standard intersection truncations, and §50-29(a)(2) pursuant to §50-38(a) to permit lots without frontage on a public street, as shown on the preliminary plan; and subject to the following revised conditions of the January 23, 2003 and July 6, 2005 Planning Board Opinions. All other previous conditions of these opinions remain in full force and effect.

- 1) Revise condition #1 of the July 6, 2005 Planning Board Opinion as follows:

Approval under this preliminary plan is limited to a maximum of 2,150 lots for a maximum of 2,654 residential dwelling units, 20,000 square feet office/retail use, and a 5,000 square foot daycare facility.

- 2) Revise condition #6 of the January 23, 2003 Planning Board Opinion as follows:

The applicant shall construct the following roads as standard closed section primary residential streets, unless otherwise approved by MCDPWT:

- Street "C" between A-305 and Street "D"
- Street "M" between A-305 and Street "E"
- Street "E" between A-305 and Street "M"
- Street "T" between A-305 and Street "Y"
- Street "Y" between Streets "T" and "Z"
- Street "GG" between its intersections with A-305
- Street "Z" next to school

- 3) Revise condition #7 of the January 23, 2003 Planning Board Opinion as follows:

The applicant shall construct two roundabouts (or otherwise acceptable alternative approved by MCDPWT) on A-305 as shown on the preliminary plan to define the boundaries of the business district portion of this roadway.

- 4) Revise condition #12 of the January 23, 2003 Planning Board Opinion as follows:

At site plan, the following stormwater management facilities to be reconfigured to maintain at least half of the environmental buffer widths as undisturbed areas: Ponds B, C, L, N and V. Reconfigure Pond Q and adjacent sewer line to maintain most of the environmental buffer as undisturbed area. Eliminate, if possible, or minimize the footprint of Pond J by providing stormwater management quantity and quality controls at alternative location. For remaining stormwater management facilities, any environmental buffer encroachments to be no more than that shown on the concept study, dated April 12, 2001, or on the amended Preliminary Plan drawing.

- 5) Replace condition #13 of the January 23, 2003 Planning Board Opinion as follows:

The Applicant shall comply with the conditions of approval of the final forest conservation plan submitted on December 20, 2006. Applicant shall satisfy all conditions of approval before recording of the record plat(s) or MCDPS issuance of erosion and sediment control permits. Conditions include but are not limited to:

- a) Applicant to post a new financial security instrument for the entire forest planting area that includes the additional 2-2½" caliper trees required as part of the site plan Compliance Program.

- b) Applicant shall honor the limits of disturbance as shown on the April 12, 2005 approved final forest conservation plan between lots 106 and lot 128 of Block U.
 - c) Applicant to provide compensation for the loss of 2.14 acres of forest that is shown on the April 12, 2005 approved plan. Compensation must be in addition to areas previously shown as saved or planted.
- 6) Revise condition #14 of the January 23, 2003 Planning Board Opinion as follows:
- Conformance to the conditions stated in the MCDPS preliminary water quality plan approval letter, dated July 25, 2001; and the final water quality plan approval letter for the Phase I site plan, dated December 16, 2004, or as otherwise approved by MCDPS.
- 7) Replace existing condition #16 of the January 23, 2003 Planning Board Opinion as follows:
- Applicant to construct an 8-foot wide asphalt hiker/biker trail, with 10-foot wide cleared width boardwalks and bridges, within the Clarksburg Greenway from Stringtown Road to Newcut Road/Little Seneca Parkway, then north to the Greenway Village development to connect with the portion of trail being constructed as part of that project. Greenway Trail and community access trails to include necessary bridges and boardwalk and be constructed to park standards and specifications. Prior to construction, Applicant must obtain a park permit. Trails must be clearly marked or constructed prior to beginning construction on homes adjacent to the Greenway parkland.
- 8) Replace existing condition #17 of the January 23, 2003 Planning Board Opinion as follows:
- The trail alignment for the portion of the Greenway Trail near the confluence of Little Seneca Creek and Town Center Tributary to be determined at the time of permitting for the construction of Little Seneca Parkway/A-302. The preliminary plan shall be revised to show two alternative routes for the Greenway Trail in this stream confluence area. The preferred route would continue through the Bradley Property and would be constructed by Applicant if M-NCPPC can secure, at a reasonable cost, the acquisition of land or easement from the property owner. The alternative route would circumvent the Bradley property on land already owned by Applicant and be constructed if the acquisition of the land or easement cannot be reasonably accomplished by the time permits are needed for construction of Little Seneca Parkway. The exact delineation and details of these two alignments shall be determined as part of the site plan.

- 9) Revise condition #18 of the January 23, 2003 Planning Board Opinion as follows:

Applicant will construct Foreman Boulevard to allow for a grade separated crossing for the hiker/biker Greenway Trail. The trail crossings should be constructed to accommodate the trail under the roads without changing the natural location, configuration, or composition of the stream channel, and should be located to minimize flooding of the trail and minimize surface water runoff from the paved trail directly to the stream. Applicant to provide a safe and adequate Greenway Trail crossing of Midcounty Highway/Snowden Farm Parkway (either grade separated or at grade) that is satisfactory to M-NCPPC and DPWT staff. Exact configuration of this path shall be determined at site plan.

- 10) Replace existing condition #19 of the January 23, 2003 Planning Board Opinion as follows:

The Applicant shall dedicate to M-NCPPC the property within the delineated Clarksburg Greenway along Little Seneca Creek and Little Seneca Tributary. Include in dedication the land along the Little Seneca tributary north of Snowden Farm Parkway to the northern boundary of the project property where the Baltimore Checkerspot Butterfly is located. Land to be conveyed at time of record plat for the lots adjacent to the dedicated property. Dedicated parkland to be conveyed free of trash and unnatural debris, and boundaries between parkland and private properties to be clearly staked and signed.

- 11) Replace existing condition #20 of the January 23, 2003 Planning Board Opinion as follows:

The park area designated as a Local Park and located on the north side of Snowden Farm Parkway in the Phase II section of the project area will be graded according to the park layout concept plan, surfaced with topsoil, fine graded and seeded as appropriate for ball field cover. The park will be dedicated to M-NCPPC at time of record plat for the portion of the property that includes the park area. Applicant to provide engineering for the park site that adequately provides for the planned park facilities and includes needed quantity and quality of stormwater management for these facilities. Applicant to provide adequate off site quantity stormwater management for the planned park facilities, and shall construct quantity and quality stormwater management to sufficiently accommodate any park facilities constructed by the Applicant. Any park improvements are to be constructed to park standards and specifications. Specific types of recreation facilities and their arrangement on the property must be coordinated with M-NCPPC staff.

- 12) Replace existing condition #21 of the January 23, 2003 Planning Board Opinion as follows:

The school/park site off of Snowden Farm Parkway in the Phase I section of the project, will be graded, surfaced with topsoil, fine graded and seeded as appropriate for ball field cover. Recreation and parking facilities will be constructed thereon by Applicant in accordance with the Planning Board approved site plan Compliance Program. All athletic fields and practice field areas shall include adequate topsoil and seeding or sodding per park ballfield standards and specifications. Athletic fields, the parking lot, and picnic shelters shall be graded and constructed to park standards and specifications. The entire school/park site to be conveyed to M-NCPPC at time of record plat for the development area that includes the school/park site. If the school is constructed, M-NCPPC to convey the needed portion of the site to the County/Board of Education for such use. If the school is not constructed, the entire school/park site will be owned and managed by M-NCPPC for use as parkland.

- 13) Revise condition #24 of the January 23, 2007 Planning Board Opinion as follows:

Provide a minimum of 600 TDRs pursuant to the objectives of the Clarksburg Master Plan, unless the Planning Board approves a lesser number as part of site plan.

- 14) Replace existing condition #25 of the January 23, 2007 Planning Board Opinion as follows:

Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.

- 15) Replace existing condition #26 of the January 23, 2007 Planning Board Opinion as follows:

Final number of MPDUs/TDRs as per condition #25 to be determined at the time of site plan.

- 16) Revise condition #29 of the January 23, 2007 Planning Board Opinion as follows:

The Preliminary Plan will remain valid until July 30, 2015 and shall be phased for recordation of lots as follows:

Phase One:	300 lots by July 30, 2004
Phase Two:	1,000 lots by July 30, 2009
Phase Three:	1,700 lots by July 30, 2012
Phase Four:	All lots by July 30, 2015

Prior to the expiration of the validity periods, a final record plat for all the property delineated in each phase must be recorded or a request for an extension must be filed.

- 17) The following conditions shall be added:
- 30) The Applicant shall record new record plats to revise the rights-of-way for the following roads to meet MCDPWT Standard No. mc-210.03 (reduced width tertiary) as required by the site plan Compliance Program:
- ξ Bent Arrow Drive (from station 10+52 to 5+90 (approximate))
 - ξ British Manor Drive (from station 1+03 to 0+00 (approximate))
 - ξ Granite Rock Road (from station 10+15 to 15+07 (approximate))
 - ξ Robin Song Drive (from station 5+90 to 8+11 (approximate))
- Applicant shall also record new record plats to modify the square footage of the residential lots abutting these rights-of-way, where necessary, and to show necessary public improvement easements (PIEs).
- 31) The boundary of the preliminary plan shall be expanded to include Outlot C, Block F and Outlot D, Block E in the adjacent Greenridge Acres Subdivision, which were placed in reservation for the construction of A-305 (Midcounty Highway). The Applicant shall file a record plat that dedicates a portion of this land for the right-of-way of A-305.
- 32) Applicant shall submit an amendment to the approved Phase I Site Plan that reflects the revised layouts of blocks F, G, H, K, L, P, T, and V, as shown on the amended preliminary plan and discussed in the site plan Compliance Program. Final design of these areas shall be determined by the amended site plan.
- 33) The boundary of the preliminary plan shall be modified to reflect land swaps between Clarksburg Village and the adjacent Greenway Village Subdivision, as shown on the preliminary plan.
- 34) Applicant shall comply with the conditions of the MCDPWT approval letter, dated December 21, 2006, unless otherwise amended by MCDPWT.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

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

No additional trips beyond those associated with the previous approval of the preliminary plan are being generated as a result of this amendment. The Board finds that the previously required transportation improvements provide sufficient transportation capacity and meet the Adequate Public Facilities test.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*
4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The revised forest conservation plan shows 2.14 acres less forest saved and planted than on the April 12, 2005 approved plan. The Planning Board finds that this increase in forest loss must be compensated for as part of the approval of the final forest conservation plan. Some of the forest reduction results from the new stormwater management facility in the environmental buffer, extension of stormwater management discharge outfalls, moving a sanitary sewer from outside the environmental buffer to inside the buffer, and the change of a Category I easement area into a Category II easement. The new stormwater management facility will treat runoff from Stringtown Road, which was not previously accounted for in either the Clarksburg Village or Clarksburg Town Center water quality plans. The Planning Board supports the addition of this facility and accepts the proposed encroachment into forested environmental buffer area because it is the only location available to provide the necessary stormwater management for the roadway. The Board also finds that encroachments from stormwater management facility outfalls are unavoidable and accepts them based on the finding that the disturbance has been minimized.

The Planning Board concurs with staff and finds that the proposed sewer line near lots 106 through 128 of Block U is not an acceptable encroachment into forested stream buffer area. The Board finds that limits of disturbance in this section of the development must remain consistent with the previously approved plan that shows the sewer line and LOD outside of the environmental buffer. Final determination regarding the sewer alignment must be made as part of the site plan.

5. *The Application meets all applicable stormwater management and water quality plan 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") and the Planning Board that the*

Stormwater Management Concept and Water Quality Plan meet MCDPS's standards.

The Planning Board responsibility for water quality plans is to determine if the environmental guidelines for special protection areas, forest conservation requirements, and site imperviousness requirements are satisfied. There is no specific impervious limitation in the Clarksburg Special Protection Area, but impervious surfaces estimated as part of previous approval have been approximately 23 percent. This plan amendment will add impervious surfaces, but the Board finds that the overall site imperviousness remains consistent with other similarly developed properties within Montgomery County.

6. *The Planning Board finds that practical difficulties exist which prevent full compliance with the Section 50-26(e)(3) requirement for minimum 25 foot corner lot truncations at roadway intersections.*

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 that prevent full compliance with the requirements. The Board finds that the proposed truncations of less than 25 feet are necessary to permit houses to be located closer to the road right-of-way and facilitate the community's neo-traditional design. Based upon the determination of staff and other applicable agencies, the Board finds that the intersection sight distance and safety will not be reduced by the design. Therefore, the Planning Board grants the waiver of Section 50-26(e)(3), pursuant to Section 50-38(a) and finds 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.

7. *The Planning Board finds that practical difficulties exist which prevent the development from complying with Section 50-29(a)(2) requirements for lot frontage on 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 that prevent full compliance with the requirements. The Board finds that waivers of lot frontage are needed in certain instances based on the practical difficulties associated with implementing neo-traditional design principles within Clarksburg Village if lot frontage is always required. Such a design 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, and green areas dispersed throughout. The Planning Board finds that the proposed neo-traditional

neighborhood design best implements the intent of the Clarksburg Master Plan, particularly with regard to integrating green spaces throughout the development. The waiver facilitates the replacement of certain roads with green spaces that significantly reduce the amount of paving in the development, increases the areas available for treatment of stormwater runoff, and create visible open areas and gathering spaces for the community. The Planning Board finds based on applicable agency approvals that all houses will be adequately served and accessed by proposed private driveways. Therefore, the Planning Board grants the waiver of Section 50-29(a)(2), pursuant to Section 50-38(a) and finds 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.

Section 59-C-1.628(b) of the Zoning Ordinance permits townhouses to front on public streets, private streets or *a common open space*, when MPDU optional method standards are used. The Planning Board finds that since the proposed development applies these standards, townhouse lots that front on open spaces are acceptable. The Planning Board further finds that where these lots front on private streets, the street will provide access and circulation that will allow them to acquire the status of a public road. Townhouses fronting on green space are accessed by private driveways that will not have the status of a public road. However, the Board finds that fire and rescue access is provided and parking will be available on nearby public roads.

8. *The Planning Board finds that use of reduced-width tertiary streets is acceptable because they will improve compatibility with adjoining properties.*

The standard right-of-way width of a tertiary street is 50 feet. However, Section 50-26(h)(2) states that the Planning Board, as part of a site plan approval, may approve a lesser width. In this instance, the use of certain reduced-width tertiary roads is proposed as part of the site plan Compliance Program to bring setbacks, and in one case size, of several existing one-family detached residential lots into conformance with the minimum standard of the zone. The Board finds, subject to final site plan review, that the reduced-width tertiary streets will improve compatibility with adjoining properties by bringing non-compliant lots into conformance with the zone.

~~BE IT FURTHER~~ RESOLVED, that the date of this Resolution is JUL 18 2007 (which is the date that this Resolution is mailed to all parties of record); and

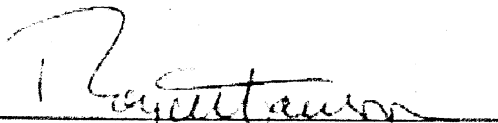
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

At its regular meeting, held on Thursday, June 28, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, ADOPTED the above Resolution, on motion of Commissioner Wellington, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, and Wellington voting in favor, Commissioner Perdue abstaining, and Commissioner Bryant absent. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 12001030C, Clarksburg Village.



Royce Hanson, Chairman
Montgomery County Planning Board

CAC/CAC