

Local Map Amendment LMA G-881: Theodore H. Butz, et. al./Windridge Farm, LLC

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Description

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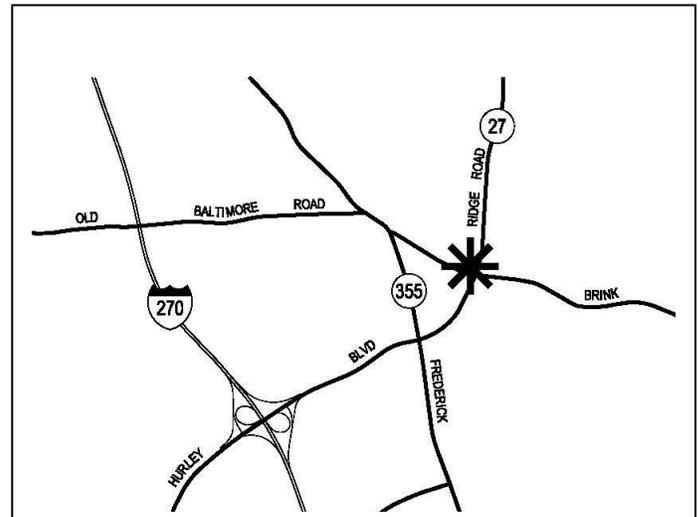
Request to rezone the subject property to the PRC Zone to allow up to 112 one-family detached and 28 one-family attached units, total number of units not to exceed 140; located on the northwest corner of Brink Road and Ridge Road (MD 27), 54.4 acres of land; RE-2 Clarksburg Master Plan & Hyattstown Special Study Area

Staff Recommendation: Denial

Applicant: Theodore H. Butz, et. al./Windridge Farm, LLC

Filing Date: April 29, 2009

Public Hearing Date: January 14 and 18, 2013



Summary

The staff recommends **denial** of the proposed PRC Zone. The primary issues to be discussed within the report include master plan conformance, compatibility, and sewer availability as summarized in the following:

- The project does not substantially comply with the density provisions for the specific site in the Master Plan (pages 77 and 97).
- The project does not provide adequate transition in density between the adjacent properties designated in the Master Plan (pages 75 - 77, and 97).
- The project requires public sewer and water that is not recommended in the Master Plan (pages 202 and 215).
- The project does not meet the purpose of the PRC Zone.

STAFF RECOMMENDATION

The staff recommends **denial** of the reclassification of the subject property from the RE-2 Zone to the PRC Zone including the Development Plan.

PROPERTY DESCRIPTION

The subject property is a 54.3 acre, unplatted parcel (P429 on Tax Map FV12) in the RE-2 Zone. It is located in the northeast corner of the intersection of Brink Road and Ridge Road MD 27 (“Subject Property” or “Property”). The Property has approximately 2,860 feet of road frontage along the western side of Ridge Road, with 730 feet of frontage along the north side of Brink Road. The Property is vacant; used primarily for agricultural production. The topography consists of generally level terrain, with a minimal amount of steep slopes isolated to the man-made embankment along Ridge Road.

The Property is within the Little Seneca Creek watershed and drains to an unnamed tributary to Little Seneca Creek beginning on the adjacent property to the west and flows westward. This Property does contain a stream valley buffer that is associated with this off-site stream. In addition, the Property contains approximately 0.21 acres of forest in one stand located on the northwest corner. This forest is considered a moderate priority for retention, based on its function.



Figure 1: Subject Site (looking North)



Figure 2: Subject Site (looking Northwest)

The Property is on the easternmost edge of the Clarksburg Master Plan (“Master Plan”) area. North of the Property is the residential community of Greenridge Acres, zoned R-200; however, immediately adjacent to the north and northwest of the Property is the Yegher property, zoned Country Inn. The Yegher property is also known as the Howes Farm (#13/19), an individually designated site listed in the Master Plan for Historic Preservation (see Attachment 1). To the east of the Property, and across Ridge Road (MD 27) are several single-family residential dwellings, the Washington Suburban Sanitary Commission Brink Road water tower, All Souls Cemetery in the Residential Density Transfer (RDT) Zone. To the immediate west of the Property is additional one-family residences zoned RE-2. South of the Property and across Brink Road is Ridge Road Recreation Park, zoned R-200 (see Attachment 2).



Figure 3: Howes Farm (Yegher Country Inn)

Ridge Road abuts the Property to the east and Brink Road abuts the Property to the south. Snowden Farm Parkway will bisect the Property when constructed to intersect with Brink Road.



Figure 4: Brink Rd & Ridge Rd intersection

ZONING HISTORY

Upon the adoption of the 1958 Zoning Ordinance, the Property was incorporated into the Regional District and classified in the R-R (Rural Residential) Zone, which allowed lots no smaller than one-half acre. Zoning text amendment 73013, in 1973 renamed the R-R Zone to the R-200 Zone and in 1974 this Property was reclassified to the R-200 Zone, per SMA F-925. Subsequently, this Property has been reclassified to the RE-2 Zone per SMA G-710, which implemented the recommendations of the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*.

PROPOSAL

The use of the Property must be in accordance with the Development Plan submitted in conjunction with the rezoning application. The Development Plan proposes an active adult community with a

maximum of 140 units including 12.5 percent Moderately Priced Dwelling Units (MPDUs). The 140 dwelling units will be a mix of 80 percent one-family detached and 20 percent one-family attached dwelling units (see Attachment 3). The development of the Property will include a green edge with over seven acres of forest and a flexible amenity space that can be utilized for additional recreation, social and professional areas.

The Property will be bifurcated by A-305/M83 (Snowden Farm Parkway), and be developed in two distinct sites. The northern portion of the site will include 29 one-family attached units with expanded green buffers along all edges of the development. The southern portion of the site will house the remaining units and the clubhouse. The residents will also have access to the recreational facilities within Clarksburg Village, including a community pool, village green and various greenways, according to documentation submitted by the applicant.



Figure 1: Illustrative Development Plan

Although the Development Plan provides considerable detail, the final design of the development, determination of adequate public facilities, as well as traffic impacts will be reviewed by the Montgomery County Planning Board at the time of preliminary plan and site plan review.

If approved, the project is subject to the following binding elements (see Attachment 3):

1. Development will be limited to no more than 140 units, including 12.5 percent Moderately Priced Dwelling Units.
2. A maximum of 20 percent of the dwelling units will be one-family attached.
3. A minimum of 80 percent of the dwelling units will be one-family detached.
4. Impervious area will be limited to a maximum of 28 percent, calculated on a net acreage of 49.4 acres.

PUBLIC FACILITIES

Public Utilities (e.g., water, sewer)

This Subject Property is not currently served with public water or sewer and is located outside of the recommended water and sewer service envelope, as recommended in the *Clarksburg Master Plan and Hyattstown Special Study Area*, Figure 51, page 202 (see Attachment 4). At the time of the Master Plan update in the early 1990's treatment and transmission capacity to the Seneca Creek Wastewater Treatment Plant (WWTP) was constrained. The constraints resulted in development within the planning area being staged to allow it to proceed when the necessary improvements were programmed. The Subject Property was left unstaged and is able to move forward with development using private wells and septic systems. In 2001, the Property was granted a water and sewer category change restricted to a private institutional use (PIF). The Applicant has submitted another category change application to remove the PIF restriction on the Property which would allow unrestricted water and sewer access. The Applicant has requested that both this rezoning application and the sewer category change be reviewed simultaneously by County Council.

According to the WSSC capacity exists to provide sewer to this Property (see Attachment 5). Preliminary drawings showing how sewer service can be extended to the Property have been approved by WSSC (See Attachment 6). The Property cannot develop as requested in the PRC Zone and as shown on the Development Plan using private wells and septic systems, as public sewer and water is a requirement of the Zone.

Schools

The community is planned for "active adults" of 50 years and older. Due to the age-restricted nature of the community there are no school age children anticipated, and therefore no impact on the public schools that serve this area—Cedar Grove Elementary School, Rocky Hill Middle School, and Clarksburg d the High School (see Attachment 7). No School Facilities Payment is required.

Other Public Facilities

The Property is located four miles from the 5th District Police Station in Germantown. The Hyattstown Volunteer Fire Department serves this area of Clarksburg area. Police, fire and rescue services are currently operating within the standards set by the Growth Policy Resolution currently in effect.

MASTER PLAN

This Property is located within the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* and is specifically identified within the "Brink Road Transition Area." The Master Plan designates the subject property as Rural Residential and for a density of 1 unit per 5 acres (0.2 units per acre) to 1.0 unit per acre (page 77) and figure 29). Although the Master Plan also designates a portion of the Brink Road transition Area for 2 - 4 units per acre (pages 75 and 77), the subject property is specifically designated for 1 dwelling unit per 5 acres (0.2 units per acres to 1 dwelling unit per acre (pages 77 and figure 29). In addition, the Zoning Plan in the Master Plan (pages 97 and Figure 38).

The Master Plan objectives for the Brink Road Transition Area (pages 75- 76, *Clarksburg Master Plan*) include the following:

- 1) Create a transition from Germantown to Clarksburg that helps reinforce each community's identity;
- 2) Recommend low intensity, light industrial employment uses near I-270;
- 3) Continue the residential character of MD 355;
- 4) Reinforce the North Germantown greenbelt concept; and
- 5) Designate Midcounty Highway as an appropriate edge to the Agricultural Reserve area east of Ridge Road.

Discussion in the Master Plan recognizes the Germantown greenbelt as a transition and visual buffer between Germantown and Clarksburg and recommends that low density, rural residential development be used to create the transition between the two planning areas. The Master Plan suggests that this density will allow single-family units and be supportive of the existing residential land use pattern along MD 355 (see Attachment 8). The land use plan shows the Property and surrounding parcels as having a rural residential designation between 1 dwelling unit per acre to 1 dwelling unit per 5 acres (see Attachment 9).

Other Master Plan objectives for the Brink Road transition do not apply; however, Objective 5 (above) resulted in a rezoning from the RDT Zone to the RC Zone, for the property across Ridge Road, including the Brink Road water tower and the All Souls Cemetery.

Key land use recommendations include creating a suitable transition from other communities, such as Damascus, Germantown to Clarksburg, and that in order to implement this vision, to recommend residential zones that will facilitate the provision of detached units, and large lot zoning as transition to neighboring rural and agricultural areas.

Development staging mechanisms are established within the Master Plan, and relate to the provision of public water and sewer. The Subject Property was not programmed for sewer or water extensions. As such, the Property was not staged for development and was otherwise able to proceed with development using private wells and septic systems.

The Master Plan provides guidance with regards to floating zone approvals. The Master Plan states that "in order for proposed rezoning to take place, the County Council must find that the proposed rezoning for these parcels be compatible with surrounding uses and in accord with the expressed purposes and requirements of the zone." It further recommends that reclassifications to a floating zone in areas designated in the *staged service areas* not be approved until the triggers for the stage within which the floating zone is located, have been met. This Property was not considered for a floating zone; however, for purposes of the PRC Zone, the Master Plan does not need to specifically recommend for this zone to be applied.

TRANSPORTATION

The following conditions regarding the Adequate Public Facilities (APF) test for transportation requirements must be addressed at the relevant subsequent reviews (See Attachment 10):

1. Prior to obtaining building permits, the applicant must make a lump sum payment of \$46,800 in order to mitigate PAMR requirements of the Clarksburg Policy Area.

2. Approval under this map amendment must not exceed 140 one-family, aged-restricted units. The mix of units cannot exceed 112-detached and 28-attached one-family, aged-restricted dwelling units.

The *Clarksburg Master Plan and Hyattstown Special Area Study* describe three master-planned roadways: Ridge Road, Snowden Farm Parkway (M-83/A-305), and Brink Road (A-36). Ridge Road will ultimately be a six-lane, divided major highway along the Property frontage with a recommended 150-foot right-of-way. Snowden Farm Parkway is proposed to be a four-lane, divided arterial highway, between Stringtown Road and Ridge Road. Lastly, Brink Road will be a four-lane divided arterial highway, with a minimum recommended right-of-way of 100-feet between Frederick Road and Snowden Farm Parkway.

Two access points to the Property are proposed; one from Brink Road and the other from Snowden Farm Parkway (A-305) extended. Snowden Farm Parkway will be constructed by Elm Street Development, who is developing much of Clarksburg Village. The Development Plan proposes internal public streets within a 50-foot wide right-of-way, with five-foot sidewalks on one side that connect to a trail that allows pedestrian access to Ridge Road Recreation Park.

There is one Montgomery County Ride-On route serving this area, Route #79. This route runs from the Clarksburg Town Center to the Shady Grove Metro station. Additional routes are expected as the demand in Clarksburg grows. The Property is approximately 3.5 miles from the Germantown MARC, Commuter Rail Station. Staff believes that vehicular and pedestrian circulation will be adequate for the development proposed under this proposal.

Local Area Transportation Review and Policy Area Mobility Review

This Subject Property is within the Clarksburg Policy Area and was evaluated as to whether or not the anticipated traffic would meet the applicable congestion standard. The Critical Lane Volume (CLV) for the Clarksburg Policy Area is 1,425 vehicle trips, and the Policy Area Mobility Review (PAMR) trip mitigation rate is 10 percent of new trips. Two intersections were identified as critical intersections affected by the proposed development; Ridge Road at Skylark Road, and Ridge Road at Brink Road. As proposed, the project will generate 31 vehicle trips in the A.M. peak period and 38 vehicle trips in the P.M. peak period. It is anticipated that the proposed development will meet Local Area Transportation Review (LATR) requirements of the Adequate Public Facilities (APF) review. Table 1 below shows the existing, background and proposed number of vehicle trips during the A.M. and P.M. peak hours. To mitigate 10 percent of the new peak hour trips under PAMR, 4 peak hour trips ($38 \times .10 = 3.8$ or 4) the Applicant will be required to make a payment of \$46,800 at building permit (see Attachment 10).

Table 1: Intersection Capacity Analysis

Intersection Capacity Analysis with CLV During the Peak Hour						
Intersection	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 27/ Skylark Road	1165	1180	1199	1205	1199	1205
MD 27/ Brink Road	1051	1067	1217	1394	1235	1406

ENVIRONMENT

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD#420121380) was approved by M-NCPPC Planning Staff on May 3, 2012. The site is located within the Clarksburg Special Protection Area (SPA) and the Little Seneca Creek watershed, a Use Class IV-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this watershed as good. There are no streams, floodplains, or wetlands on the site. There is approximately 0.36 acres of environmental buffers in the northwest corner off the Subject Property which carry over from an offsite stream and wetlands. The Property is located within the Clarksburg SPA. Additionally, the Property was reviewed under Chapter 22A, Forest Conservation. A full analysis of compliance of the provided water quality plan and preliminary forest conservation plan can be found in Attachment 11.

As part of the review, Staff has recommended approval of both the Preliminary Water Quality Plan (WQP) and the Preliminary Forest Conservation Plan (PFCP), subject to conditions. These conditions are outlined on page 2 of Attachment 11. To ensure flexibility as the Development Plan moves forward, the project used several sets of impervious numbers for different reasons. For example, the portion of the preliminary WQP that was sent to Montgomery County Department of Permitting Services (MCDPS), the Applicant used 28% of 49.4 acres (54.35 gross tract area minus the proposed Right-of-Way dedication of 4.95 acres). This percentage is a conservative number used to make sure the stormwater management calculations would not need to be changed if the rates were raised slightly in order to allow for future adjustments. A factor of safety is applied to the facility and infrastructure design computations to ensure that the stormwater management facilities and infrastructure are adequately designed and constructed. The Special Protection Area standards require redundant and over-designed stormwater facilities. This is part of, and consistent with, the SPA standards and contributes towards making this a realistic and implementable project.

A proposed binding element was added to the Development Plan by the Applicant at the request of MNCPPC Staff which would limit the Development Plan to impervious levels of 28 percent on 49.4 acres, which is consistent with the MCDPS Stormwater Management Design Computations, again to allow flexibility should the stormwater management calculations need to adjust slightly.

The Applicant has submitted a Preliminary Forest Conservation Plan indicating no forest clearing, with 0.21 acres of forest retention and a required 7.2 acres of afforestation (See Attachment 11). Under

Section 22A-12(d), any site with less than 20 percent of the net tract area in forest cover must be afforested. Further, Section 22A-12(f)(2)(C), states that if the existing forest is less than the minimum required retention, all existing forest must be retained and the minimum afforestation must be provided on-site. The Property meets this requirement.

EVALUATION AND FINDINGS

A floating zone requires an evaluation for compliance with the purposes of the requested zone. Section 59-C-7 of the Montgomery County Zoning Ordinance contains the requirements for development of property in the Planned Development (PD) Zone. The stated purposes of this zone, and how the Project satisfies the zone's objectives, are summarized below.

Section 59-C-7.41 of the Zoning Ordinance sets forth the purposes that the PRC Zone is designed "... to provide for the establishment of a planned retirement community type of development, accessible to or providing within it most of the day- to-day recreational, medical, retail, commercial and similar services required by the residents thereof, in accordance with the comprehensive development plan approved by the Planning Board and so designed as to achieve a maximum of coordination between the development and the surrounding uses, including a maximum of safety, convenience and amenity for the residents of the development. Such developments are limited to areas that have adequate highway access, public water and sewer, and public services. Consideration must be given to the size of development (in acres) and the use of the site when determining whether day-to-day services and public facilities must be provided. Such developments must be designed to have a minimum of impact upon surrounding land and to provide adequate open spaces adjacent to their boundaries.

In addition, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of existing trees and to minimize the amount of grading necessary for construction of a development."

Staff Response: The Property does not meet the purpose of the PRC Zone. As noted previously in this report, the Property is not within the recommended water and sewer service envelope and was to develop on well and septic. While connection to water and sewer is technically feasible, the fact remains this site was not anticipated to be served.

The Property has good access to the adjacent major roadways, and nearby major retail activity centers, Milestone and Henderson Corner (to the south) and Clarksburg Village (to the northwest); however, it does not contain the day-to-day services generally anticipated with a planned unit development. Through an agreement with Elm Street, the development would rely on external services that are within driving distance. There is no mix of uses within the development to off-set the daily needs of active adults.

The Property will also provide an on-site recreational clubhouse. The proposed development has avoided impact to sensitive natural resources. Particularly, it avoids the buffer, provides ample green buffers, forested areas and has to the extent possible, minimized impervious surfaces for purposes of water quality.

59-C-7.42. Land uses. *The only development permitted in this zone is a planned retirement community, which must meet the following requirements:*

59-C-7.421. Required uses. *A planned retirement community must contain the following:*

- (a) *In a development of 750 acres or more...*
- (b) *In a development of less than 750 acres:
Dwelling units; meeting rooms; recreational facilities, such as, a swimming pool, shuffleboard court, golf course, or similar facilities designed to meet the passive and active recreation requirements of the planned retirement community residents, consistent with the size of the project.*

Staff Response: The Property was evaluated under §59-C-7.42(b), since the development is less than 750 acres. As proposed, the project does not meet the minimum criteria for the land uses required under this section. While the Property is adjacent to Ridge Road Recreation Park and can be accessed on foot via a proposed pedestrian path on the south side of the Property, the project does not provide a variety of on-site recreational facilities, such as swimming, bocce ball, shuffle board, etc. The application relies on Clarksburg Village recreational amenities such as the community pool and green to meet this requirement, which are off-site and drivable.

59-C-7.422. Permitted uses. *The following uses are also permitted, provided that a development plan amendment is required for any use that is not shown on a development plan approved in accordance with Division D-1, unless the use is located in a dwelling unit and is subordinate to the residential use of that unit:*

- 1) *Motel located in the age-restricted community for use predominantly by guests of permanent residents, occupying not more than 5 acres of land.*
- 2) *Home occupation in the age-restricted section regulated by section 59-C-7.442, subject to the regulations of the following zones:*
 - (a) *The R-60 zone in the case of a detached dwelling unit;*
 - (b) *The RT-6 zone in the case of a townhouse or one-family attached dwelling unit; or*
 - (c) *The R-30 zone in the case of a multiple-family dwelling unit.*

A development plan amendment, in accordance with division 59-D-1, is not required for a home occupation.

- 3) *Day care facility for senior adults and persons with disabilities;*
- 4) *Hospital;*
- 5) *Life care facility;*
- 6) *Nursing home or similar convalescent facility;*
- 7) *Recreational, educational and cultural facilities not otherwise required by this section which are not inconsistent with the purposes of this zone;*
- 8) *Public utility buildings and structures;*
- 9) *Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room may be installed under the guidelines contained in Sec. 59-A-6.14;*

- 10) *Temporary helistop;*
- 11) *Any transitory use in accordance with Section 59-A-6.13;*
- 12) *Retail commercial uses, limited to the uses permitted in the C-1 zone to mainly serve the residents of the development;*
- 13) *Places of worship;*
- 14) *One or more of the following recreational, and medical facilities, which shall be available on a reasonable basis for the exclusive use of the residents, of the area restricted to permanent residents who are 50 years of age and over their guests and reasonably to others designated by any party holding title to such facilities, in trust or otherwise:*
 - *Golf course;*
 - *Clubhouse;*
 - *Swimming pool;*
 - *Medical facilities, including an out-patient clinic;*

In the age-unrestricted area, other uses permitted in accordance with the provisions of the following zones:

- 1) *In an area designated by the approved development plan for detached dwelling units, the R-60 Zone, as provided in Section C-1.31;*
- 2) *In an area designated by the approved development plan for townhouse or one-family attached dwelling units, the RT-6 Zone, as provided in Section C-1.71; or*
- 3) *In an area designated by the approved development plan for multiple-family dwelling units, the R-30 Zone, as provided in Section C-2.3.*

Staff Response: The Development Plan associated with the local map amendment does not propose any of the uses listed above at this time. The Applicant is aware that a development plan amendment is required should a use described above be proposed at a later stage of development.

59-C-7.423. Special exception use. *In the age-unrestricted area, special exception uses may be allowed in accordance with the provisions of divisions 59-G-1 and 59-G-2, utilizing the following standards:*

- a) *In areas designated by the approved development plan for one-family detached units, uses allowed in the R-60 Zone, as shown in Section 59-C-1.31.*
- b) *In areas designated by the approved development plan for one-family attached or townhouse units, uses allowed in the RT-6 Zone, as shown in Section 59-C-1.71.*
- c) *In areas designated by the approved development plan for multiple family units, uses allowed in the R-30 Zone, as shown in Section 59-C-2.3.*

If the use is not located in, and subordinate to, the residential use of a dwelling unit, a development plan amendment, in accordance with division 59-D-1, is required to permit the use.

Staff Response: This requirement is not applicable, as the Applicant is not proposing an age-unrestricted area.

59-C-7.43. Minimum area of tract. *Each P-R-C zone must have a gross tract area of at least 25 acres; except, that a lesser area may be added to an existing P-R-C zone if contiguous thereto and in compliance with the provisions of this section.*

Staff Response: According to the submitted development plan and survey, the total gross tract area is approximately 54.3 acres

59-C-7.44. Age of residents, residential densities, and MPDU.

- a) *A planned retirement community of less than 750 acres must be restricted to permanent residents 50 years of age or over, except, that a disabled relative may reside with a permanent resident. In addition, residence must be regulated in accordance with the provisions of the Fair Housing Amendments Act of 1988, as may be subsequently amended. The number of dwelling units must not exceed 10 per acre, except as further provided in Section 59-C-7.44(b)(3.).*
- b) *A planned retirement community of 750 acres or more may...*

Staff Response: This Property was reviewed under §59-C-7.44(a), as it is less than 750 acres. This rezoning request restricted its residency to those aged 50-years and older. The dwelling units per acre are 2.57, meeting the density provisions of this requirement. The Applicant is providing 12.5 percent MDPU as required under Chapter 25(A).

59-C-7.45. Setbacks.

- a) *In a development of 750 acres or more...*
- b) *In a development of less than 750 acres, all buildings and structures must be set back at least as follows:*
 - 1) *Not less than the setback of the adjacent zone.*
 - 2) *Additional setback must be provided from adjacent one family residential development if the building or structure proposed is higher than 35 feet. The additional setback must be a minimum of 2 feet for each foot of building above 35 feet.*

Staff Response: The site is surrounded by the following Zoning Districts (see Attachment 2):
North (and West): Country Inn Zone (75-feet from the Property line)
South: R-200 Zone (40-feet from the street)
East: RDT Zone (50-feet from the street)
West: RE-2 Zone (35-feet from the rear yard)

The proposed development exceeds the setbacks requirements of the adjacent zones and therefore, meets the setback requirements of the PRC Zone. The Applicant is not proposing to exceed a height of 35-feet for either the residential attached or detached units, or the clubhouse.

59-C-7.46. Coverage limitations.

59-C-7.461. Buildings. *In a development of 750 acres or more, not more than 15 percent of the gross area may be covered by residential buildings.*

Staff Response: This site is not greater than 750-acres and therefore, this standard is not applicable.

59-C-7.462. Green area.

- a) *In a development of 750 acres or more...*
- b) *In a development of less than 750 acres, not less than 50 percent of the gross area must be devoted to green area.*

Staff Response: This Property was reviewed under §59-C-7.462(b). Staff finds that the project meets this standard, since it proposes more than 50 percent of the gross area devoted to green area (See Attachment 3).

59-C-7.47. Height of buildings.

- a) *In a development of 750 acres or more...*
- b) *In a development of less than 750 acres, no building except a church tower may exceed 100 feet in height.*

Staff Response: This proposal has been reviewed under §59-C-7.47(b) above and as such meets the requirement with regards to the height of the proposed structures. No buildings are proposed to be greater than 35-feet tall.

59-C-7.48. Roads, parking and school sites.

59-C-7.481. Off-street parking. *Off-street parking must be provided in accordance with the requirements of Article 59-E.*

Staff Response: The proposed Development Plan meets the off-street parking requirements of §59-E-3.7 (Schedule of Requirements) as it is providing at minimum, 2 parking spaces per one-family residences. The actual size of the clubhouse will be determined at site and preliminary plan stages, but the applicant will provide the required number of spaces under §59-E-3.7.

59-C-7.482. Roads. *Interior roads not dedicated to public use must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic and must be paved and maintained in good repair.*

Staff Response: Although final road designations and design will occur at preliminary plan, the Applicant is proposing public, tertiary residential streets with, twenty feet of pavement and a five-foot sidewalk on one side.

59-C-7.483. Dedication of land for school sites. *Such land as may be required for sites for public schools in the age-unrestricted section referred to in subsection 59-C-7.44(b)(2), if any, must be dedicated in accordance with the requirements of the subdivision regulations.*

Staff Response: Not applicable. There is no proposed public school dedication requested in the Master Plan, nor is it being requested that a site be dedicated from public school staff.

59-C-7.49. Procedures for application and approval and limitation on filing.

- a) *Application and development plan approval must be in accordance with the provisions of division 59-D-1.*
- b) *Site plans must be submitted and approved in accordance with the provisions of division 59-D-3.*
- c) *No application for the reclassification of land in the P-R-C zone may be accepted within 50 years after the land was classified in this zone.*

Staff Response: The Applicant submitted a development plan as required under §59-D-1 and meets the contents of the development plan under §59-D-1.3. The Applicant understands that a site plan must be submitted and approved prior to building permit. Further discussion with regards to the Development Plan's compliance to §59-D-1 can be found below.

Sec 59-D-1.6. Approval by District Council

59-D-1.61. Findings. *Before approving an application for classification in any of these zones, the District Council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In doing so, the District Council must make the following specific findings in addition to any other findings which may be necessary and appropriate to the evaluation of the proposed reclassification:*

- (a) That the zone applied for is in substantial compliance with the use and density indicated by the Master Plan or Sector Plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies;*

Staff Response: The requested PRC Zone including the Development Plan does not substantially comply with the use and density recommendations of the Master Plan for this area. The proposal is located in the Brink Road Transition Area and according to the Master Plan "forms an important transition from Germantown to Clarksburg." At the time of the Master Plan, the majority of the land in this area had been developed or was committed to development using septic systems. Those subdivisions included the Brink Meadow Lane area. With regards to density, the Master Plan specifically recommends a zoning density between 0.2 units per acre (RC) and one dwelling unit per acre. This density range would result in residential densities that yield between 10 units to 54 dwelling units not including MPDUs on the 54.4 acre Property. The density proposed by this Development Plan is 2.57 dwelling units per acre, or 5 ½ times the density in the RE-2 Zone that was recommended in the Master Plan.

A floating zone; however can be mapped, regardless of a specific recommendation if all the requirements of the zone are satisfied, the proposal is found compatible with the surrounding uses, the proposal furthers the public interest and the proposal is in substantial compliance with the overall Master Plan goals. A PRC Zone does not need a specific recommendation within a master plan.

1. Compliance with the purposes, standards and regulations: Staff, as explained in previous sections of this report, finds that the proposal does not meet the purpose of the PRC Zone.

2. Compatible with the surrounding uses: Staff finds that the proposed uses are similar in nature to all uses surround the site, in that it is residential. This proposal provides 50 percent green area, which includes forests, and greenways. This proposal provides pedestrian paths that link it to Clarksburg Village, and Ridge Road Recreation Park. The heights of the proposed recreation center and houses will be 35-feet, which is consistent with homes immediately adjacent to the property. The density; however, is 2 ½ times the upper limits of the Master Plan (1 dwelling unit per acre), and the clustering of homes is not characteristic of the surrounding rural character of Greenridge Acres and Brink Meadows subdivision, as well as the homes to the east of the Property. The development is a replica of the homes to the southeast (Germantown Master Plan), which is a higher density zone at RE-2/TDR; however, the clustering and higher densities proposed do not align to the vision with the Master Plan to offer a transition between Germantown and Clarksburg.

3. Furthers the public interest: This proposal provides a safe, adequate pedestrian circulation system connecting external and internal sidewalks that move the residents safely through the neighborhood and to the proposed clubhouse recreation center. The proposal provides open space amenities and a trail connection to the Ridge Road Recreation Park. The proposal is also consistent with Goal 3 of the Housing Element of The General Plan, which states that Montgomery County should “encourage and maintain a wide choice of housing types and neighborhoods for people of all incomes, ages, lifestyles and physical capabilities at appropriate locations and densities.”

4. Overall Master Plan Goals: The proposed concept plan for Clarksburg includes a town center, a regional transitway, two new neighborhoods (one east, and one west of I-270), continuation of the residential character along MD 355, a greenway network and employment along the I-270 corridor. Further, the concept for Clarksburg includes 10 policies represented in Figure 4, Page7 of the Master Plan (see Attachment 11). The Master Plan envisions an organized, comprehensive development pattern that would offer an overall network of streets, greenways and transit that clusters development into a series of transit- and pedestrian- oriented neighborhoods. The Master Plan recommends this property as a transition area which forms a visual buffer between Germantown and Clarksburg. The proposed density that substantially exceeds the density on the adjacent parcels does not provide this transition. The proposed density of the site is 2 ½ times the density envisioned for the transition between Master Plans, and therefore does not meet the recommendation for density and use that provides a visual buffer or transition between Germantown and Clarksburg recommended in the Master Plan.

In determining substantial compliance with the Master Plan, staff finds that the development, as proposed does not substantially comply with the recommendations in the Master Plan, nor the low density transition envisioned in the Brink Road Transition.

(b) That the proposed development would comply with the purposes, standards and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.

Staff Response: The proposed development under the PRC Zone does not comply with the purpose of the zone, as set forth in §59-C-7.4. For further explanation regarding compliance with §59-C-7.4, please see above section entitled “Evaluation and Findings.”

- (c) *That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient;*

Staff Response: The internal vehicular and pedestrian circulation for the project has been designed to provide clear roadways and sidewalks, as well clear pedestrian crossings from the north-end of the site to the south-end. The internal and external vehicular circulation patterns are safe, adequate and efficient. Access is limited to two entrances, one from Snowden Farm Parkway and the other from Brink Road. Internal roadways have clear circulation patterns, which lead through the development. Pedestrian systems in the proposed plan, for both residents and surrounding neighborhoods, will be improved, continuous, and rational. The perimeter sidewalk flows into an on-site pedestrian circulation system providing access to all residences, open spaces, and the recreation center.

- (d) *That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3;*

Staff Response: The Department of Permitting Services (DPS) has approved a stormwater management (SWM) concept plan for the redevelopment of the site (see Attachment 14). The proposed development will meet the new, more stringent, stormwater requirements in the State of Maryland and other mandated environmental regulations enacted in Montgomery County and the State. The site is in compliance with the requirements of Chapter 22A, Forest Conservation and Chapter 19, Water Quality (see Attachment 12).

The Property by its nature is relatively flat and does not contain any excessive steep slopes that would otherwise cause concern for erosion or require unreasonable grading to allow development. Much of the Property will remain in a natural state and be afforested.

- (e) *That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common of quasi-public purposes are adequate and sufficient.*

Staff Response: At the appropriate time, the Applicant will submit all required documents, covenants, and restrictions and record them for the Property to the satisfaction of the County Council and Planning Staff. The Applicant must provide appropriate assurances of maintenance of common areas as required by law prior to any conveyance of building units.

DEVELOPMENT STANDARDS

The design of the development will be finalized and reviewed by the Montgomery County Planning Board at the time of preliminary plan and site plan review. The Development Standards for the PRC Zone are listed in Table 2, below. The proposed Development Plan meets the development standards of the Zone.

Table 2: PRC Development Standards

<i>Development Standards</i>	<i>Zoning Ordinance Required / Permitted</i>	<i>Proposed for Approval</i>
Minimum Tract Area	25 ac	54.4 ac
Gross Area (ac):		
Prior ROW Dedication		54.4 ac
Dedicated Area		5 ac
Net Area (s.f.):		49.4 ac
Setbacks (ft.):¹		
North: Greenridge Acres (subdivision)	1) Not less than the setback of the adjacent zone.	C-Inn: 75 ft (minimum from boundary)
East: Ridge Rd		RDT: 50 ft (minimum from street)
South: Brink Rd		RE-2: 40 ft (minimum from street)
West: Brink Meadows (subdivision)	2) Additional setback must be provided from the adjacent one family residential development if the building or structure proposed is higher than 35 feet. The additional setback must be a minimum of 2 feet for each foot of building above 35 feet.	RE-2: 35 ft. (minimum rear yard)
Green Area:	50%	50%
Density:	10 d.u./ac	2.57 d.u./ac (140 d.u./54.4 ac)
# of Units Part A	3.33 d.u./ac	Max. 35
# of Units Part B	3.34	Max. 130 (Detached min. 80%; Attached max 20%)
MPDU:	12.5%	12.5% (18 d.u.)

¹ Final setbacks will be determined at site plan.

<i>Development Standards</i>	<i>Zoning Ordinance Required / Permitted</i>	<i>Proposed for Approval</i>
Building Height	No building except a church tower can exceed 100-feet in height	35 ft (max, including recreation center)
Parking²:	2 per d.u.	280 parking spaces

COMMUNITY CONCERNS

Staff received a letter from Elm Street Development fully supporting the pending request. The letter states that the single-family, owner-occupied units as a result of this plan would augment the market need for senior housing, as the proposed development of Elm Street’s is for renter-occupied, multi-family units (See Attachment 12). Staff has also received several electronic mail correspondences as well, which state that the development type being proposed is consistent with the housing needs (see Attachment 15).

Staff received one letter in opposition to the request (See Attachment 16). The citizen states the following reasons for not supporting the proposal:

- Is not consistent with the recommendations in the Clarksburg Master Plan
- Potential noise, dust and loss of pastoral scenery;
- Potential breeding of mosquitoes and other pests as a result of proposed stormwater management ponds adjacent to Brink Meadows;
- Potential for increased traffic along Brink Road, which will exacerbate the roadway;
- Potential for light pollution

Staff believes that these concerns have been addressed to the extent possible, or thoroughly discussed in this Staff Report.

RECOMMENDATION

Staff concludes that LMA G-881 including the Development Plan does not comply with the purpose clause of the Planned Retirement Community (PRC) Zone. Further, this proposal does **not** meet the general intent of the Master Plan, which is to create a rural, lower density residential development for purposes of transition from Germantown to Clarksburg. This Property is on the border between the Germantown Master Plan and located at one of two main vehicular connections from the south into the Clarksburg Master Plan area. The intent of the Master Plan for this Property, regardless of sewer availability, was to reinforce the existing character of low density residential development that have been already developed or under development at the time the Master Plan was under review. The density established for the Property is **not** consistent with the recommended densities of 0.2 units per acre to 1.0 unit per acre that would transition from the higher density zones of Germantown, to the edges of Clarksburg. For these reasons, staff recommends **denial**.

N:_AREA 2 Division\Kamen\G-881 (Butz-Orchard Run)\Peer Review\Local Map Amendment (Item A)\LMA G-881 Staff Report.doc

² Final parking counts to be determined on site plan.

ATTACHMENTS

1. Memorandum from Scott Whipple, Supervisor, Historic Preservation, dated September 19, 2009
2. General Location Map and Vicinity
3. G-881, Development Plan (Proposed)
4. Recommended Sewer and Water Staging for Clarksburg, *Clarksburg Master Plan and Hyattstown Special Study Area*
5. Washington Suburban Sanitary Commission, Development Proposal Review, August 24, 2012
6. Correspondence from Bruce MacLaren, Senior Hydraulic Engineer, Washington Suburban Sanitary Commission
7. Correspondence from Bruce Crispell, Director, Division of Long-Range Planning, Montgomery County Public Schools
8. Memorandum from Ron Cashion, RA, Area 3 Master Plan Compliance, dated November 13, 2012
9. Brink Road Transition Area Land Use Plan, Figure 29, Page 77, *Clarksburg Master Plan and Hyattstown Special Study Area*
10. Memorandum from Ki H. Kim, Transportation Planner, Area 3, dated November 1, 2012
11. Memorandum from Josh Penn, Environmental Planner, Area 3, dated November 16, 2012
12. Correspondence from David D. Flanagan, President Clarksburg Village Investments, Inc.
13. Proposed Concept Plan, Figure 4, Page 7, *Clarksburg Master Plan and Hyattstown Special Study Area*
14. Correspondence from Richard R. Brush, Manager, Water Resources Section, Division of Land Development, dated November 9, 2012
15. Correspondence(s) in support of application G-881
16. Correspondence(s) in opposition of application G-881

ATTACHMENT 1



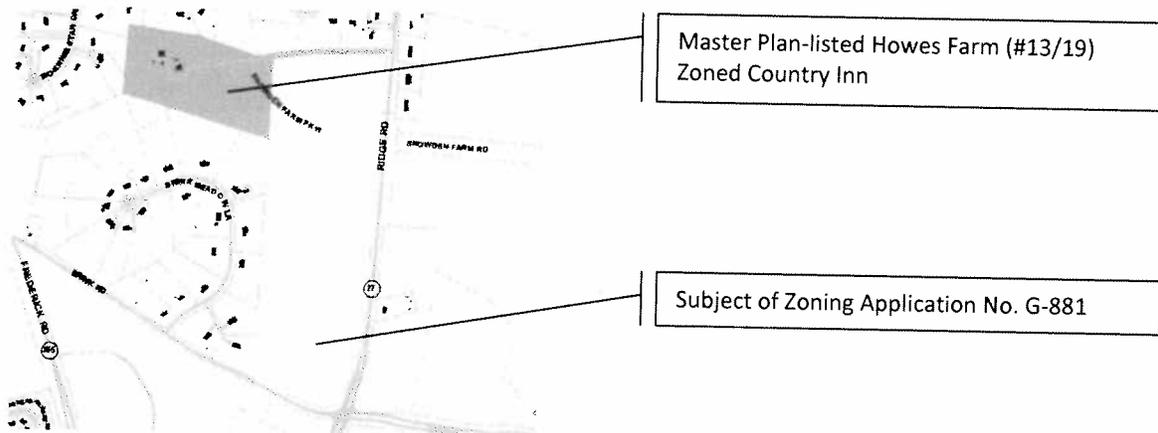
MONTGOMERY COUNTY PLANNING DEPARTMENT THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

September 17, 2009

To: Renee Miller
From: Scott Whipple, Supervisor, Historic Preservation Section
Subject: Zoning Application No. G-881

The Historic Preservation section recommends denial of the above referenced Zoning Application.

The subject property is immediately adjacent to the Howes Farm (#13/19), an individually designated site listed in the Master Plan for Historic Preservation. The historic site, located at 22022 Ridge Road, is zoned Country Inn.



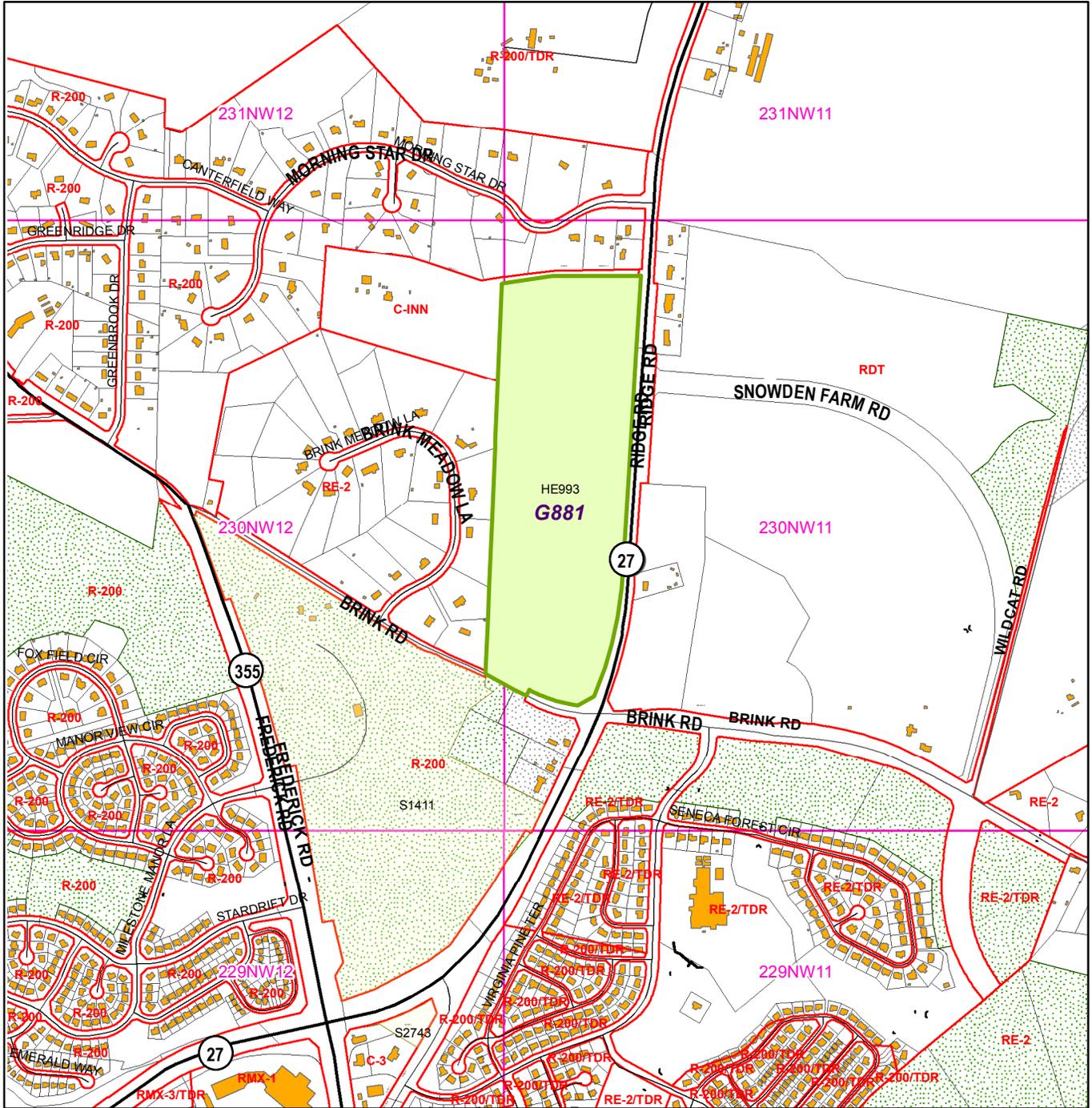
The proposed zoning application would allow a density of development on the subject property that would be incompatible with the adjacent historic resource and its rural character. The scope of the proposed development would have an adverse impact on the setting of the historic site and the purpose of the Country Inn zone. The current zoning in the vicinity of the Howes Farm – RDT, R-200, and RE-2 – have provided for development patterns more sympathetic to the character of the historic resource.

Should this Zoning Application be approved, the Historic Preservation section recommends the inclusion of conditions providing for reduced density and greater buffering in the northern portion of the property to mitigate the development's impact on the historic character of the adjacent Master Plan site.

The above referenced Zoning Application does not directly involve property that has been listed in the Master Plan for Historic Preservation or the Locational Atlas and Index of Historic Sites in Montgomery County. Therefore, the subject property is not subject to any regulatory review by the Historic Preservation Commission under Chapter 24A of the County Code.

ATTACHMENT 2

General Location Map & Vicinity



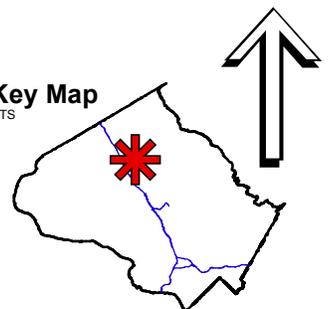
LEGEND

-  LMA
-  Special Exception
-  Parcel
-  Lake and Pond
-  Stream and River

1 inch = 1,000 feet
Address: 21901 Ridge Road, Germantown

Key Map

NTS



ATTACHMENT 5

WASHINGTON SUBURBAN SANITARY COMMISSION

DEVELOPMENT PROPOSAL REVIEW FOR A REZONING APPLICATION

APPLICATION NO.: G-881

DATE: AUGUST 24, 2012

APPLICANT: THEODORE H. BUTZ, ET AL

LOCATION: 21901 RIDGE RD, GERMANTOWN

COUNTY: MONTGOMERY COUNTY

200' SHEET NO.: 230NW11

PRESENT ZONING: RE-2

PROPOSED ZONING: PRC (PLANNED RETIREMENT COMMUNITY)

SIZE OF PARCEL: 54.35 ACRES

DWELLING UNITS: Not To Exceed 140 Single-Family Houses

OTHER: COMMUNITY CENTER

WATER INFORMATION

1. Water pressure zone: 760A zones
2. 24-inch and 16-inch water lines abut the property. However, a non-CIP-sized water extension is also required to serve the property.
3. Local service is adequate.
4. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.
5. The impact from rezoning this property would be negligible; estimated fire flow requirements would remain the same.

SEWER INFORMATION

1. Basin: Seneca
2. A non-CIP-sized sewer extension is required to serve the property.
3. Average Flow from the present zoning: 6,522 GPD
Average Flow from the requested zoning: 98,613 GPD
Average Flow from the proposed development: 42,000 GPD
4. Program-sized sewer mains may be required to serve the property.
5. Interceptor capacity is adequate.
6. Rezoning this property will not significantly impact the sewerage system.

Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.

Reviewed by Bruce MacLaren, 301-206-8817.



Washington Suburban Sanitary Commission

14501 Sweitzer Lane • Laurel, Maryland 20707-5901

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GENERAL MANAGER
 Jerry N. Johnson

February 1, 2012

Theodore H. Butz, et al
 Windridge Farms, LLC
 P.O. Box 149
 Adamstown, MD 21710

Re: Phase I Letter of Findings, WSSC Project No. DA5372Z12, The Courts At Clarksburg

Dear Mr. Butz:

A hydraulic planning analysis has been completed on The Courts at Clarksburg project. The project has been conceptually approved. Please refer to the enclosed 200'-scale sketch along with the summary table and list of conditions included in this letter, which provide the results of our analysis.

HYDRAULIC SUMMARY TABLE	
Proposed Development: 140 Proposed Single-Family Houses	
200-ft Sheet: 230NW11 & 12	
SEWER	WATER
WWTP Service Area: Seneca Creek	Hydraulic Zone Group: Montgomery High Zone Group
Mini-Basin Number: 15-066	Pressure Zone: 760A
	High Grade: 774 feet
	Low Grade: 738 feet

The following is a list of conditions that apply to this project and must be met before a Systems Extension Permit (SEP) will be issued.

SANITARY SEWER CONDITIONS

As discussed in previous meetings with WSSC, the applicant will be responsible for designing the proposed outfall sewer to avoid conflict with the existing water house connection, and other facilities, in the vicinity of the northern-end of the subject property.

REQUIRED SANITARY SEWER MAIN SIZES

All sewer is to be 8-inch diameter gravity sewer.

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Windridge Farm, LLC
RE: DA5372Z12
February 1, 2012
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EXTRA-DEPTH SEWER

Due to topography and/or street grade, it will be necessary to construct extra-deep sewer ranging from 10 to 34 feet (length ≤ 500 feet). Sewers greater than 10 feet deep should have a right-of-way width at least twice the sewer depth. Any pipe deeper than 20 feet (trench bottom) will require a special design to consider and enable future maintenance of the deep sewer.

SHALLOW-DEPTH SEWER

Due to the topography and street grade, it will be necessary to construct shallow sewer. A minimum cover of 3 feet must be maintained over the sanitary sewer.

SERVICE DEPENDENT ON OTHER CONSTRUCTION

Sewer service is dependent on specific contracts in project DA5205Z11 (Clarksburg Village Phases 2 and 3) being built and placed in service. WSSC can not guarantee that this project will be completed, or the timing of their construction.

Since this project will be built in separate parts, the following table provides information on which parts are dependent on the construction of other parts:

Part	Dependencies	Part	Dependencies
1	DA5205Z11	3	Part 1, Part 2, and DA5205Z11
2	Part 1, and DA5205Z11	4	Part 1, Part 2, Part 3, and DA5205Z11

INSTALL EJECTOR PUMPS

Based on the proposed grading plan, ejector pumps and on-site low-pressure sewer may be needed for service. A registered plumber must install the pumps at the developer's expense.

For properties to be served by an ejector pump system, the developer is responsible for all on-site installation (i.e., materials, electrical equipment, the pump unit and plumbing hook-up which shall be installed by a registered plumber). Pump units must be approved by WSSC. Ultimately the property owner will be responsible for all on-site maintenance of the pump systems. Builder/developers/owners must disclose this requirement to purchasers at property settlement.

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WATER MAIN EXTENSION CONDITIONS

Because of recent proposed changes to boundaries between water pressure zones in the vicinity of the applicant's property, there are required revisions that need to be made to the applicant's originally proposed water main alignments. The originally proposed connection to the existing 16-inch water in Brink Road (proposed 836A zone) should NOT be made. Instead, the applicant will need to build a 12-inch water main that should run approximately parallel and adjacent to the existing 16-in water in Brink Road that will extend and connect to the existing 24-inch water main (Contract No. 95-1436A, in 760A zone) near the intersection of Brink Road and Ridge Road. In addition to the valve that will need to be built into this proposed 12-inch water line, an additional valve(s) may need to be built into the 24-inch water main when the connection is made. This will be determined during Phase 2, Review for System Integrity. Please refer to the water and sewer sketch for more information.

There should also be a 12-inch water outage loop built in Part 4, as shown on the sketch. Use 12-inch water line for this loop. The part of the loop extending out to the existing water in Ridge Road (MD Route 27) should be made with 12-inch water line, and should connect to the 16-inch water line in Ridge Road built under contract #64-2219 (in 760A zone). In addition to the valve that will need to be built into the proposed 12-inch water at the connection, an additional valve(s) may need to be built into the 16-inch water main when the connection is made. This will be determined during Phase 2, Review for System Integrity. Please refer to the water and sewer sketch for more information.

Additionally, in order to comply with recent WSSC Planning Group findings, a 12-inch diameter water system improvement and outage loop is required to be built by the applicant in Snowden Farm Parkway that will extend from the proposed 12-inch water in Part 1 of DA5372Z12 (The Courts at Clarksburg) up to the 12-inch water in Snowden Farm Parkway currently proposed to be built under DA4321Z06 / DA5205Z11 (Clarksburg Village, Phases 2 and 3). As part of the construction of this 12-inch water, a 12x12 T and 12x8 R should be installed where the proposed water line connects in Snowden Farm Parkway in Part 1 (see sketch).

DO NOT make the connection between Part 1 and any of the existing water lines in Ridge Road that are in the 836A water pressure zone.

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As currently shown on the sketch, there are approximately 6 proposed lots in Part 4 that do not abut proposed water lines. In order to serve these lots, either short segments of 4-inch water lines should be built that abut these proposed lots that would facilitate water house connections, or water house connections should be built and adequate connection easements recorded that will also enable water service to be extended to the proposed houses on these lots. An additional short extension should also be included for construction near the northeast corner of Part 4 to improve outage protection abilities within Parts 2, 3, and 4.

WSSC records indicate that existing water facilities or connections may be aligned parallel and adjacent to the northern boundary of the subject property. Be advised that the applicant may be required to provide and record adequate easements or rights-of-ways (as needed) to accommodate this existing water facility.

LARGE DIAMETER WATER MAINS IN THE VICINITY

There are 16-inch, 24-inch, and 48-inch diameter water mains located in Ridge Road. Public safety concerns may require special considerations and modifications of proposed development near large diameter water transmission pipelines. WSSC records indicate that the materials these pipes are made from include ductile iron, cast iron, and Pre-stressed Concrete Cylinder Pipe (PCCP).

Prior to submittal of Phase 2 System Integrity review, it is the applicant's responsibility to test pit the line and determine its exact horizontal and vertical location as well as to verify the type of pipe material. **A WSSC inspector must be present at the time of the test pit.**

For 36 inch and larger PCCP or CI water lines, proposed separations of less than eighty (80) feet must be mitigated through use of structural enhancements, building material selections rated to withstand a potential pipeline failure, relocation of the pipe to provide 80 feet or more of separation, replacement of the pipe or other site-specific engineering solutions approved by WSSC. The engineer must develop an appropriate solution to ensure that a building or dwelling foundation will not be damaged in the event of a pipeline failure and that the public health, safety and welfare will not be subject to significant risk. Adequate documentation must be provided to support the proposed solution.

For 36 inch and larger PCCP or Cast Iron (CI) water lines, engineering considerations of the possible short-term and long-term loading impacts on these water mains and loading concerns related to construction activity over and around these lines must be addressed prior to approval of the design.

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Please refer to WSSC Pipeline Design Manual, Part 3, Section 3.h, Working in the Vicinity of Existing 36 inch and Larger Water Main, and Part 3, Section 11, Loading Analysis, for additional general information and guidance.

Any grading, change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC right-of-way requires advance approval by WSSC. Any proposed public street grade establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street right-of-way requires WSSC approval directly on the original GEP prior to approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation or abandonment) of existing WSSC facilities is done at the sole expense of the applicant/builder/developer. Contact WSSC Relocations Unit at (301) 206-8672 for review procedures and fee requirements. See WSSC Design Manual C-11.

REQUIRED WATER MAIN SIZES

The diameters of the proposed water mains, 4-inch, 8-inch, and 12-inch, are shown on the attached sketch.

REVISE WATER MAIN ALIGNMENT

Revise the water main alignment as shown on the enclosed sketch, and as described in the paragraphs above. DO NOT build the water outage loop as originally shown in Part 1 (in NE corner of subject property). Instead, build the 12-inch interconnection between Part 4 and the existing 16-inch water main in Ridge Road (in 760A zone), as shown on the sketch. Also, include the 12-inch water loop that extends between Part 1 and the 12-inch water main included in construction of Clarksburg Village Phases 2 and 3 (DA4321Z06 and DA5205Z11). Also, in Part 4 do NOT connect the proposed 12-inch W to the existing 16-inch W in Brink Road (due to be transferred to service in the 836A zone), but rather extend this 12-inch W and connect to the existing 24-inch W in the 760A zone (at intersection of Brink Road and Ridge Road). Install valves, as shown, in order to enable isolation of water mains in the event of future water main breaks or maintenance. Valves should be installed in order to enable isolation of water main breaks, and to minimize the number of home-units adversely impacted by any water outages.

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WATER LOOP

A 400-foot outage loop, as shown on the project sketch, must be designed and installed by the applicant to provide a 2nd-feed for system outage avoidance for 140 proposed units. This water loop is required for service. The 12-inch outage loop should be built between Part 4 and the existing 16-inch water main in Ridge Road (within 760A zone), as shown on the sketch. Another 1,800-foot outage loop (as shown on project sketch) in Snowden Farm Parkway must be designed and installed by the applicant to provide a 2nd-feed for system outage avoidance for 140 proposed units, and is required for service. Install valves, as shown, in order to enable isolation of water mains in the future in the event of future water main breaks or other maintenance.

PRESSURE REDUCING VALVES REQUIRED

Due to high water pressure conditions (greater than 80 psi), the on-site plumbing system requires pressure reducing valves for buildings with first floors below 589 feet.

SERVICE DEPENDENT ON OTHER CONSTRUCTION

Since this project will be built in separate parts, the following table provides information on which parts are dependent on the construction of other parts:

Part	Dependencies	Part	Dependencies
1	Part 2, Part 3, Part 4, and loop (Snowden Farm Pkwy)	3	Part 4 and outage loop (east-side of Part 4)
2	Part 3, Part 4, and loop (Snowden Farm Pkwy)	4	Placing in-service of outage loop (east-side)

RIGHT-OF-WAY CONDITIONS

COORDINATION WITH OTHER BURIED UTILITIES

Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at the design plan review phase. Refer to WSSC Pipeline Design Manual Part Three, Section 3. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including impacts to proposed street and building layouts.

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The applicant must provide a separate "Utility Plan" to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way. Upon completion of the site construction, any utilities that are found to be located within WSSC's rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicant's expense.

PROVIDE FREE RIGHT-OF-WAY TO WSSC

Rights-of-way across your property for water and sewer line placement must be provided at no cost to WSSC. Also, a right-of-way and construction easements across your property for future WSSC water/sewer line placement, as shown on the attached sketch, must be provided at no cost to WSSC. The Applicant shall execute and deliver on-property rights-of-way prior to the Certificate of Substantial Completion, which shall constitute an irrevocable offer by the Applicant to convey all on-property rights-of-way to WSSC.

OFF-PROPERTY RIGHTS-OF-WAY MAY NEED TO BE OBTAINED

The proposed sewer outfall may require the acquisition of rights-of-way from another property owner. If needed, it is the applicant's responsibility to obtain the rights-of-way.

ADHERE TO MINIMUM RIGHT-OF-WAY WIDTHS

The minimum right-of-way width for a normal (14 inches diameter or less) extension, either water or sewer, installed at normal depth is 20 feet. A minimum right-of-way width of 30 feet is required when both normal-diameter water and gravity sewer lines are installed in the same right-of-way at normal depth. Installation of deep or large water and/or sewer mains will require additional right-of-way width. The minimum horizontal clearance between a building and the outside diameter of a WSSC pipeline is 15 feet. Based on WSSC requirements, the minimum spacing between adjacent buildings with both water and sewer lines between them should be at least 40 feet and, in some cases, greater when connections, fire hydrants, or deep sewer or water lines are involved. Balconies and other building appurtenances are not to be within the right-of-way. Additionally, water and sewer pipeline alignment should maintain 5 feet horizontal clearance from storm drain pipeline/structures and other utilities.

CONNECTION AND ON-SITE CONDITIONS

SERVICE CONNECTION EASEMENTS MAY BE NECESSARY

As currently shown on the sketch, there are 6 proposed lots in Part 4 that do not abut proposed water lines. In order to serve these lots, either short segments of 4-inch water lines should be built that abut these proposed lots that would facilitate water house connections,

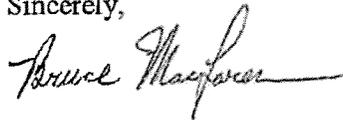
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RE: DA5372Z12
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Page 8

or water house connections should be built and adequate connection easements recorded that will also enable water service to be extended to the proposed houses on these lots.

The next step in the process is Phase 2, Review for System Integrity. Your submission package should include the Review for System Integrity Checklist and all checklist items, including the review fee. The plans must be prepared per WSSC CADD Standards and in accordance with the Pipeline Design Manual, Standard Details, and the General Conditions and Standard Specifications of WSSC. Should you want to schedule a pre-design meeting, please contact Bryan Hall (301-206-8769 bhall@wsscwater.com) or Paul Bonaccorsi (301-206-8750, PBonacc@wsscwater.com).

If you have any questions, please contact me at 301-206-8817 or bMaclar@wsscwater.com.

Sincerely,



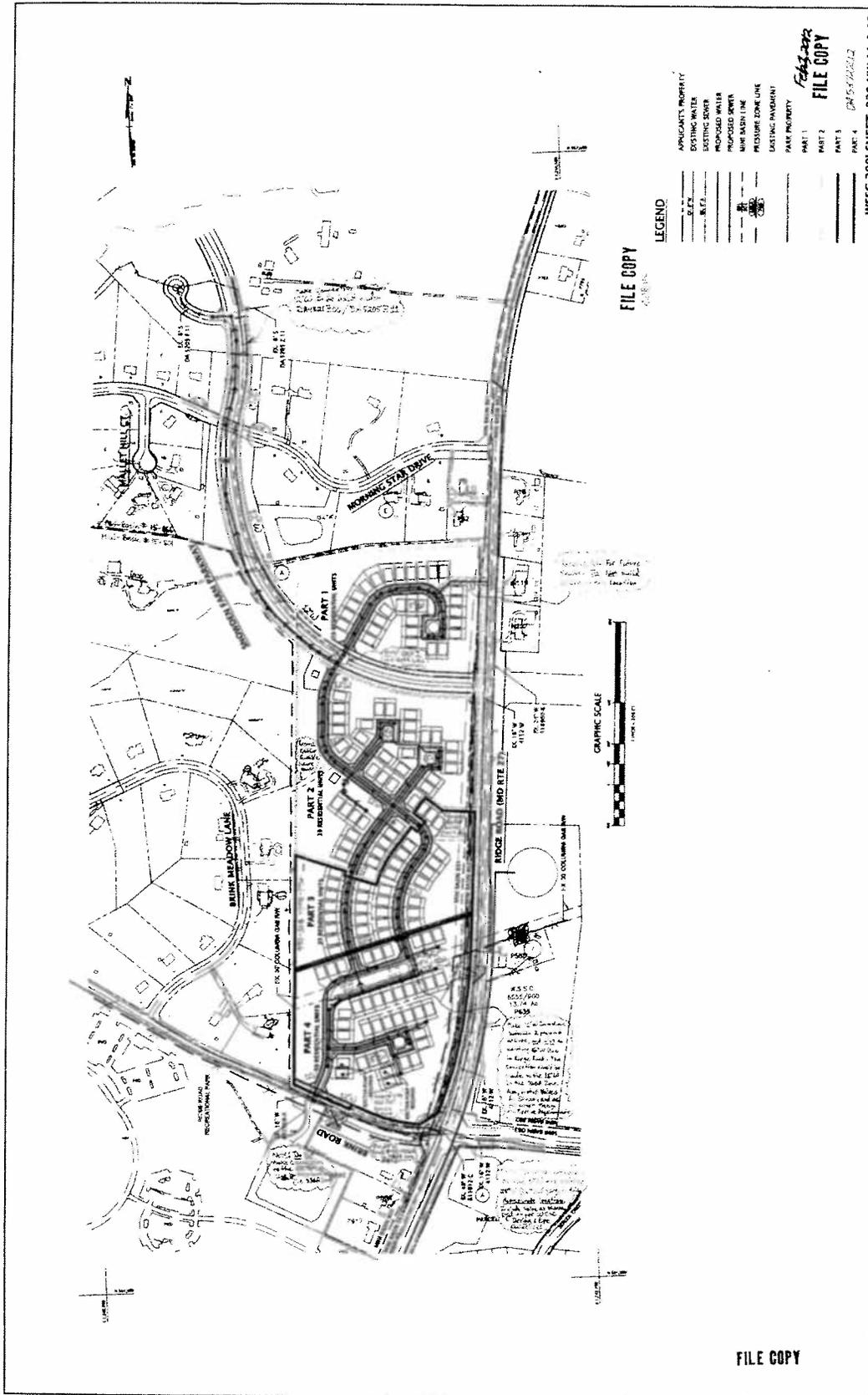
Bruce MacLaren
Senior Hydraulic Engineer
Development Services Group



David C. Shen
Development Planning Unit Coordinator
Development Services Group

Enclosure

cc: ✓ Rodgers Consulting, Inc. – Mr. Thomas A. Miller
Montgomery County Government – Department of Environmental Protection –
Mr. Alan Soukup



FILE COPY

LEGEND

- APPLICANT'S PROPERTY
- EXISTING WATER
- EXISTING SEWER
- PROPOSED WATER
- PROPOSED SEWER
- NEW DRAIN LINE
- PRESSURE ZONE LINE
- EXISTING PAVEMENT
- PARK PROPERTY

FILE COPY

WSSC 200' SHEET: 230 NW 11 & 12

**THE COURTS
AT CLARKSBURG**
1ST BELLETON DISTRICT
MONTGOMERY COUNTY, MARYLAND

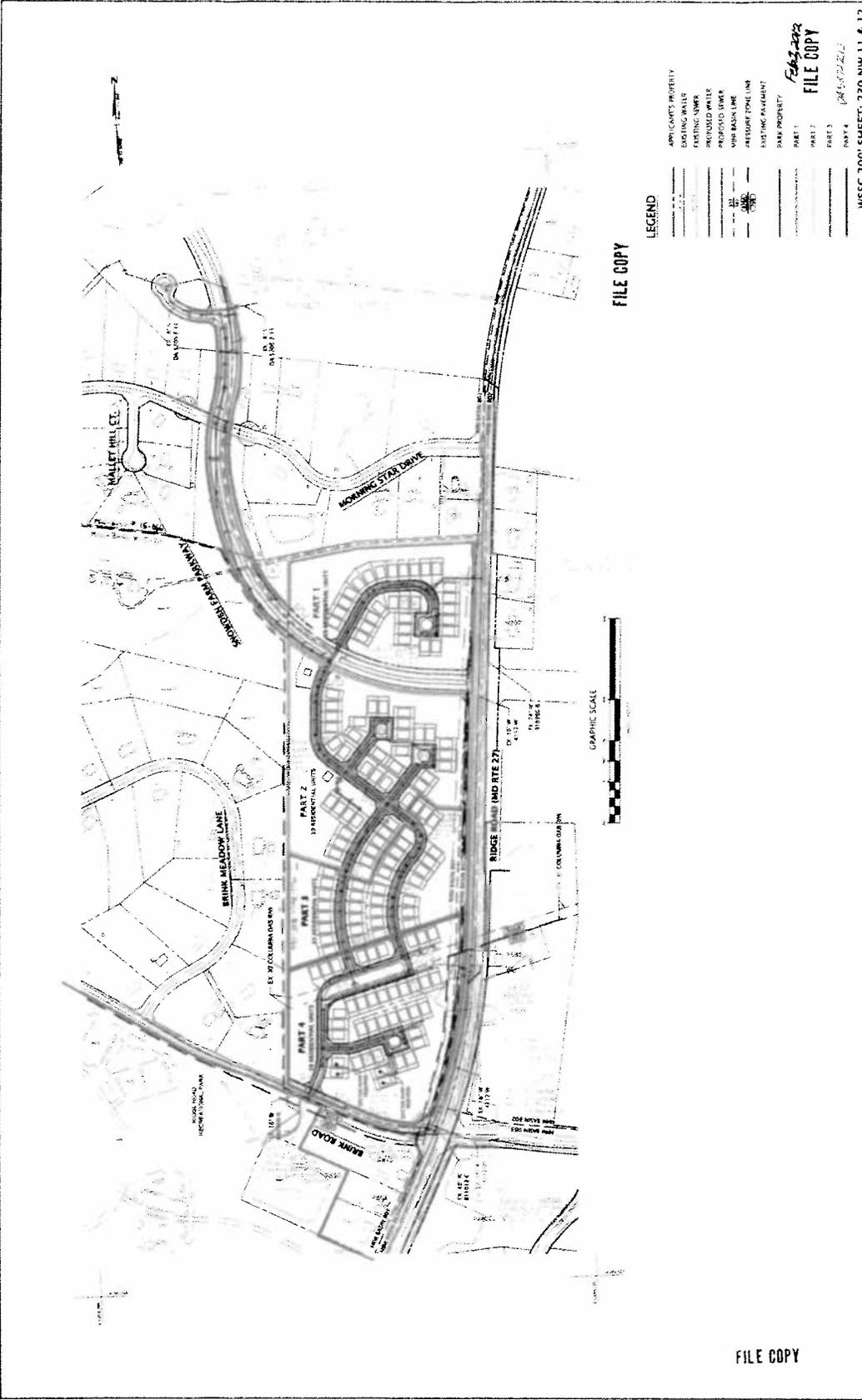
DATE	BY	CHKD	DATE

**RODGERS
CONSULTING**
INCORPORATED

AUTHORIZATION SKETCH

APPLICANT:
DAVIDSON PARKS, L.P.C.
410 WEST 106
FREDERICK, MARYLAND 21730
PHONE: (301) 977-9799
CONTACT: MR. TOM RUTZ

FILE COPY



<p>THE COURTS AT CLARKSBURG 2ND ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND</p>		<p>DATE: 11/11/11 SCALE: 1"=40' BY: M.C. BULL CHECKED: M.C. BULL</p>
<p>RODGERS CONSULTING 10000 WINDSOR PARKS, L.L.C. 10000 WINDSOR PARKS, L.L.C. 10000 WINDSOR PARKS, L.L.C. 10000 WINDSOR PARKS, L.L.C. 10000 WINDSOR PARKS, L.L.C.</p>		<p>REFUSE FOR: [] APPROVED: []</p>
<p>AUTHORIZATION SKETCH</p>		<p>APPLICANT: WINDSOR PARKS, L.L.C. PROJECT: 10000 WINDSOR PARKS, L.L.C. CONTACT: MR. TOM BERTZ</p>

FILE COPY

ATTACHMENT 7

Kamen, Renee

From: Crispell, Bruce <Bruce_Crispell@mcpsmd.org>
Sent: Monday, August 27, 2012 1:33 PM
To: Kamen, Renee
Subject: G-881 Butz Property

Renee,

Sorry about the delay in responding to your letter of July 31, 2012. For some reason I just got it today. Following is my review of the G-881 local map amendment plan.

The Butz Property (G-881/ Orchard Run Local Map Amendment, Revised) is located northwest quadrant of Route 21 and Brink Road, in Germantown, Maryland. The project is known as "The Courts of Clarksburg" and includes 112 single-family detached homes and 28 townhomes. In addition, this community is planned for "active adults" of 50 years and higher. Due to the age-restricted nature of the community there are no school age children anticipated, and therefore no impact on the public schools that serve this area—Cedar Grove Elementary School, Rocky Hill Middle School, and Clarksburg High School.

Please let me know if I can be of further assistance.

Bruce Crispell

Director, Division of Long-range Planning
Montgomery County Public Schools
(240) 314-4702 (office)
(240) 314-4707 (fax)

2096 Gaither Road - Suite 201
Rockville, Maryland 20850
bruce_crispell@mcpsmd.org

ATTACHMENT 8

November 13, 2012

MEMORANDUM

TO: Renee M. Kamen, AICP
Planner

VIA: John A. Carter, AIA *JAC*
Chief, Area 3

FROM: Ronald E. Cashion, RA *RC*
Planner Coordinator/ Urban Designer (301-650-5671)
Area 3

SUBJECT: Master Plan Compliance
Local Map Amendment and Development Plan G-881
The Courts at Clarksburg
Rezoning From RE-2 to PRC (Planned Retirement Community)

RECOMMENDATION

Staff finds that Local Map Amendment and Development Plan G-881: The Courts at Clarksburg (Butz Property) does not substantially comply with the use and density recommendations and provisions in the Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area. In summary, the project does not substantially comply with the following recommendations in the Master Plan:

- The project does not conform to the designated use and density provisions for this specific site as recommended in the Master Plan (pages 77 and 97)
- The project does not provide an adequate transition in density between adjacent properties as designated in the Master Plan (pages 75 – 77, and 97)
- The project requires public sewer and water that is not recommended in the Master Plan (pages 202 and 215)

PROJECT DESCRIPTION

The Butz Property consists of a total of 54.349 acres in the RE-2 Zone. It is located at the northwest quadrant of the intersection of Ridge Road (MD 27) and Brink Road in the southeastern portion of the Brink Road Transition Area of the Master Plan (pages 75 - 77).

The proposed Application includes age restricted housing development in the PRC Zone with a maximum of 140 single-family residential units as follows:

- 80 percent minimum or 112 single-family detached units
- 20 percent maximum or 28 single-family attached units

The property is currently devoted to active agricultural use.

SUBSTANTIAL COMPLIANCE WITH THE MASTER PLAN

Specific Findings within the Montgomery County Zoning Ordinance are required to evaluate this proposal and include the following:

Section 59-D-1.61 Findings

- (a) *The zone applied for substantially complies with the use and density indicated by the master plan or sector plan, and does not conflict with the general plan, the county capital improvements program, or other applicable county plans and policies.*

The specific recommendations and provisions in the Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area for the Courts at Clarksburg (Butz Property) are summarized in the following paragraphs.

Use and Density

The Master Plan designates the subject property as Rural Residential and for a density of 1 dwelling unit per 5 acres (0.2 units per acre) to 1.0 dwelling unit per acre (page 77 and Figure 29).

Although the Master Plan also designates a portion of the Brink Road Transition Area for 2 - 4 units per acre (pages 75 and 77), this parcel (The Courts of Clarksburg) is specifically designated for 1 dwelling unit per 5 acres (0.2 units per acre) to 1.0 dwelling unit per acre (page 77 and Figure 29).

Additionally, the Zoning Plan within the Master Plan (page 97 and Figure 38) designates the subject property for the RE-2 Zone, with .5 dwelling units per acre, and for Single-Family Detached units.

Density

Finding: The proposed Application requests approval of up to 140 units on 54.349 acres. The resulting density proposed for this project is 2.576 units per acre. The proposed density does not substantially comply with the maximum 1.0 unit per acre density specified in the Master Plan for the designated Rural Residential land use (page 77) or for the RE-2 zone at .5 units per acre, in the Zoning Plan (page 97).

If the density is reduced to comply with the Master Plan, setbacks and landscape plantings could be referenced on the Development Plan to provide significant buffers at the street frontages to establish the necessary Rural Residential character for the development.

Housing Mix

The Master Plan endorses a diversity and a mix of unit types at the neighborhood level, and recommends avoiding a large concentration of any single type of housing within each neighborhood (pages 28 and 29).

Finding: The proposed Development Plan includes a mix of single-family detached and attached units. The project also includes 12.5 percent or up to 18 units of the maximum total development as moderately priced dwelling units.

Transition

This parcel is within a specific part of the Brink Road Transition Area (pages 75 – 77) of the Master Plan. The property is located in the southeast portion of this transition area. The land areas adjacent and east of the subject site and Ridge Rd. MD 27 are proposed for the RC zone with a density of 0.2 dwelling units per acre. The land areas adjacent and west of the subject site are designated as RE-2 at .5 dwelling units per acre, and as a Country Inn.

Finding: The proposed age restricted housing in the PRC Zone at a density of 2.576 units per acres is 2.5 times the upper range of the Rural Residential density proposed in the Master Plan for the subject site. The proposed project also has a significantly higher density than the adjacent parcels. With respect to density this Application does not provide an appropriate east-west transition between the specifically designated adjacent land areas.

Sewer and Water and Development Staging

The Master Plan does not recommend public sewer and water for this parcel (page 202 and Figure 51). The “Clarksburg: Staging of Development” plan (page 215 and Figure 54) excludes the subject property.

Finding: As part of “Recommended Sewer and Water Staging for Clarksburg”, the Master Plan (page 202) designates this property for “No Future Service Area Anticipated”, and it does not recommend public sewer and water for this property. Public sewer and water are necessary for this project in the PRC Zone. The requirement for sewer and water for this project does not substantially comply and conflicts with the Sewer and Water recommendations in the Master Plan. Additionally, the subject property and adjacent properties are excluded from, and therefore also do not comply with, the “Clarksburg: Staging of Development” plan (page 215 and Figure 54).

Use of Floating Zones

The Master Plan (pages 97, 98, 99, and 203) identifies “Areas Proposed for Zones Requiring Future County Council Action”. The Master Plan designates specific properties for mixed use, floating zones to be evaluated “prior to authorizing higher density development” (pages 98 and 99).

Finding: The proposed PRC Zone is a floating zone. This parcel is not shown for use of a floating zone in the Master Plan. The Master Plan does not specifically preclude other parcels such as The Courts at Clarksburg (Butz Property) as eligible for consideration of floating zones. However, the subject property does not contain specific Master Plan provisions for use and density consideration other than for the Rural Residential and RE-2 zone designations.

Dedication of Public Right-of-Way

The Master Plan recommends a public right-of way of 120 feet for M-83 within this parcel. The Master Plan also recommends a right-of-way of 120 - 150 feet along the eastern property line for Ridge Road MD 27 (page 114 and 120).

Finding: The proposed Development Plan includes 120 feet within the property for M-83 and 75 feet from the center line for Ridge Road MD 27. The proposed dedications comply with recommendations in the Master Plan.

OTHER OPTIONS

The staff examined other options for this site that would support the construction of an age restricted project. The following two options were considered by staff.

▪ **Land Use and Density at 1.0 Dwelling Unit Per Acre**

The staff recognizes that this option would result in a significant reduction in density for this project. This density with adequate setbacks could substantially comply with the use and density provisions of the Master Plan.

▪ **Land Use and Density at 1.22 Dwelling Units per Acre with an Increase in density for MPDUs**

With the provision of 15 percent MPDUs, the density specified in the Master Plan could be increased by 22 percent. This increase in density with the provision of MPDUs is specifically permitted in Section 59-D-1.61 Findings of the Montgomery County Zoning Ordinance. With this increase in density, the development could include 65 - 70 dwelling units if 15 percent of the total dwelling units were MPDUs. This density, with adequate and generous setbacks referenced on the Development Plan, and included in detail on the subsequent site plan, could substantially comply with the use and density provisions in the Master Plan. The staff recognizes that this density is also significantly less than the density proposed in the Application.

CONCLUSION

The staff finds that the Local Map Amendment with the Development Plan as proposed does not substantially comply with the use and density recommendations, and related provisions, in the Clarksburg Master Plan and Hyattstown Special Study Area. As an option, the Applicant could revise and resubmit the Application to address the specific recommendations in the Master Plan including the density, transition, public sewer and water, staging, and the use of a floating zone.

Attached Master Plan Exhibits:

- Brink Road Transition Area Land Use Plan (page 77)
- Zoning Plan (page 97)
- Areas Proposed for Zones Requiring Future County Council Action (page 99)
- Recommended Sewer and Water Staging for Clarksburg (page 202)
- Clarksburg: Staging of Development (page 215)

G:\Cashion\G-881 Courts Butz Property RC 111312.doc

Density

Finding: The proposed Application requests approval of up to 140 units on 54.349 acres. The resulting density proposed for this project is 2.576 units per acre. The proposed density does not substantially comply with the maximum 1.0 unit per acre density specified in the Master Plan for the designated Rural Residential land use (page 77) or for the RE-2 zone at .5 units per acre, in the Zoning Plan (page 97).

If the density is reduced to comply with the Master Plan, setbacks and landscape plantings could be shown as binding elements on the Development Plan to provide significant buffers at the street frontages to establish the necessary Rural Residential character for the development.

Housing Mix

The Master Plan endorses a diversity and a mix of unit types at the neighborhood level, and recommends avoiding a large concentration of any single type of housing within each neighborhood (pages 28 and 29).

Finding: The proposed Development Plan includes a mix of single-family detached and attached units. The project also includes 12.5 percent or up to 18 units of the maximum total development as moderately priced dwelling units.

Transition

This parcel is within a specific part of the Brink Road Transition Area (pages 75 – 77) of the Master Plan. The property is located in the southeast portion of this transition area. The land areas adjacent and east of the subject site and Ridge Rd. MD 27 are proposed for the RC zone with a density of 0.2 dwelling units per acre. The land areas adjacent and west of the subject site are designated as RE-2 at .5 dwelling units per acre, and as a Country Inn.

Finding: The proposed age restricted housing in the PRC Zone at a density of 2.576 units per acres is 2.5 times the upper range of the Rural Residential density proposed in the Master Plan for the subject site. The proposed project also has a significantly higher density than the adjacent parcels. With respect to density this Application does not provide an appropriate east-west transition between the specifically designated adjacent land areas.

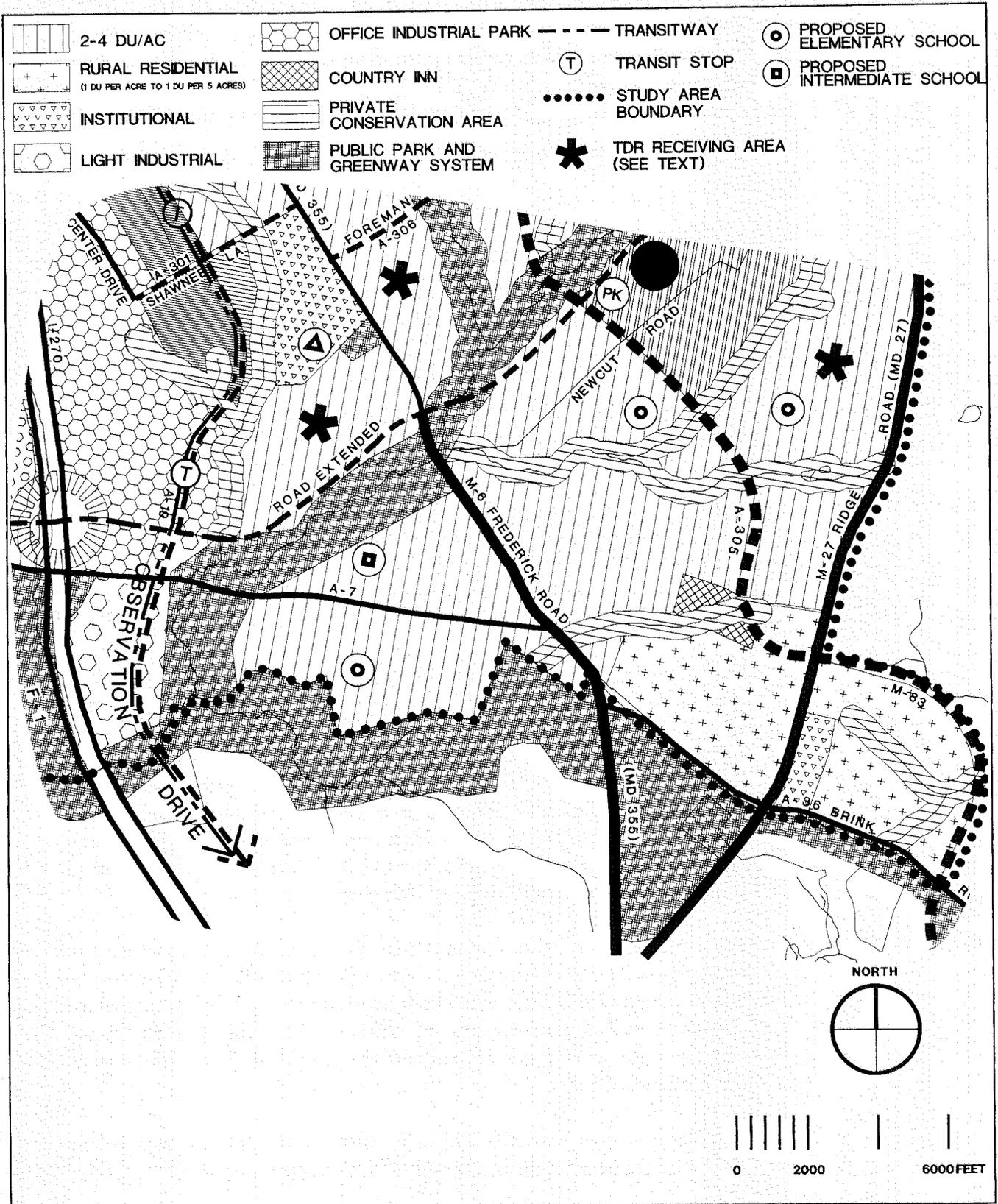
Sewer and Water Staging

The Master Plan does not recommend public sewer and water for this parcel (page 202 and Figure 51).

Finding: As part of Recommended Sewer and Water Staging, the Master Plan (page 202) designates this property for “No Future Service Area Anticipated”, and it does not

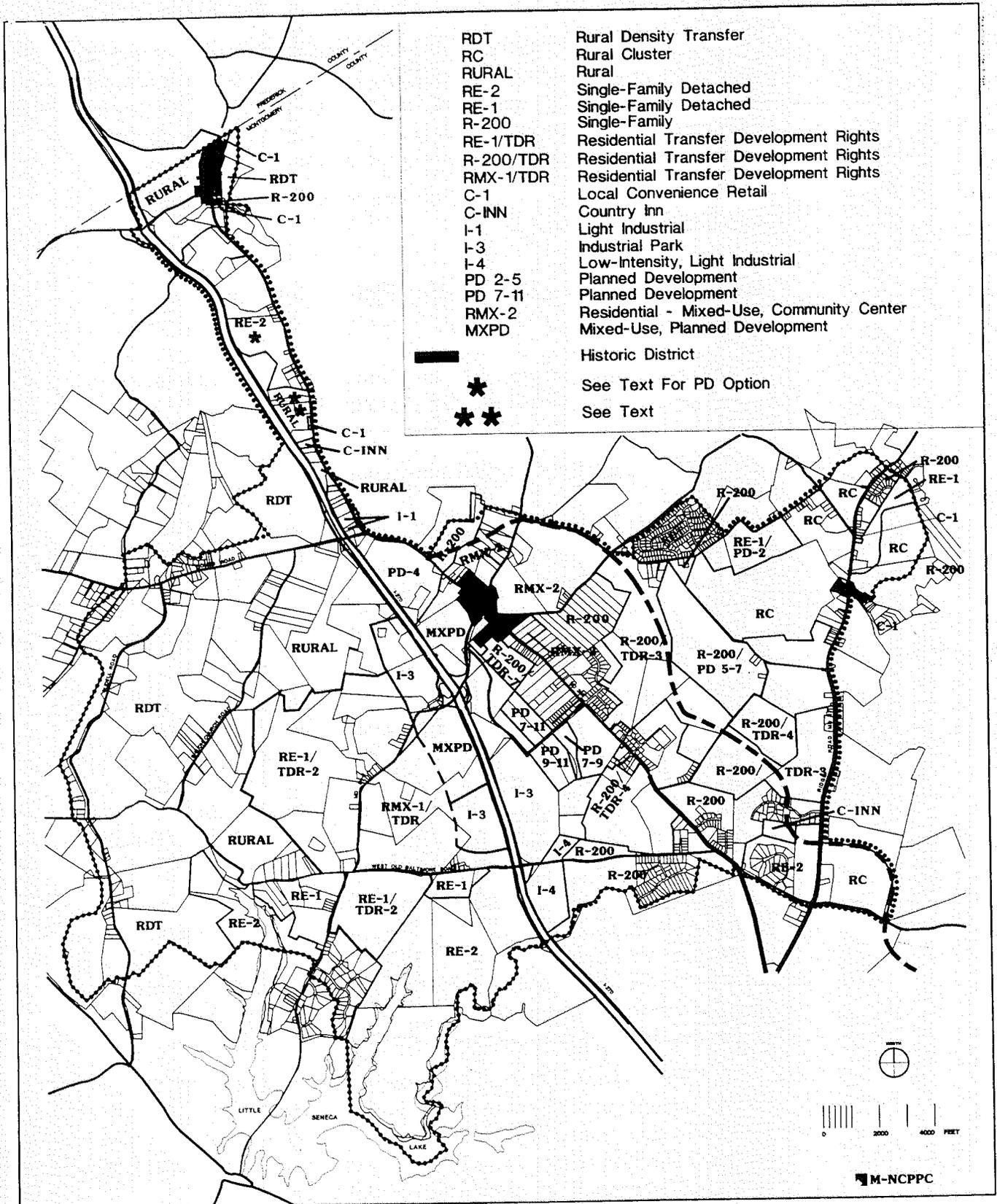
Brink Road Transition Area Land Use Plan

Figure 29



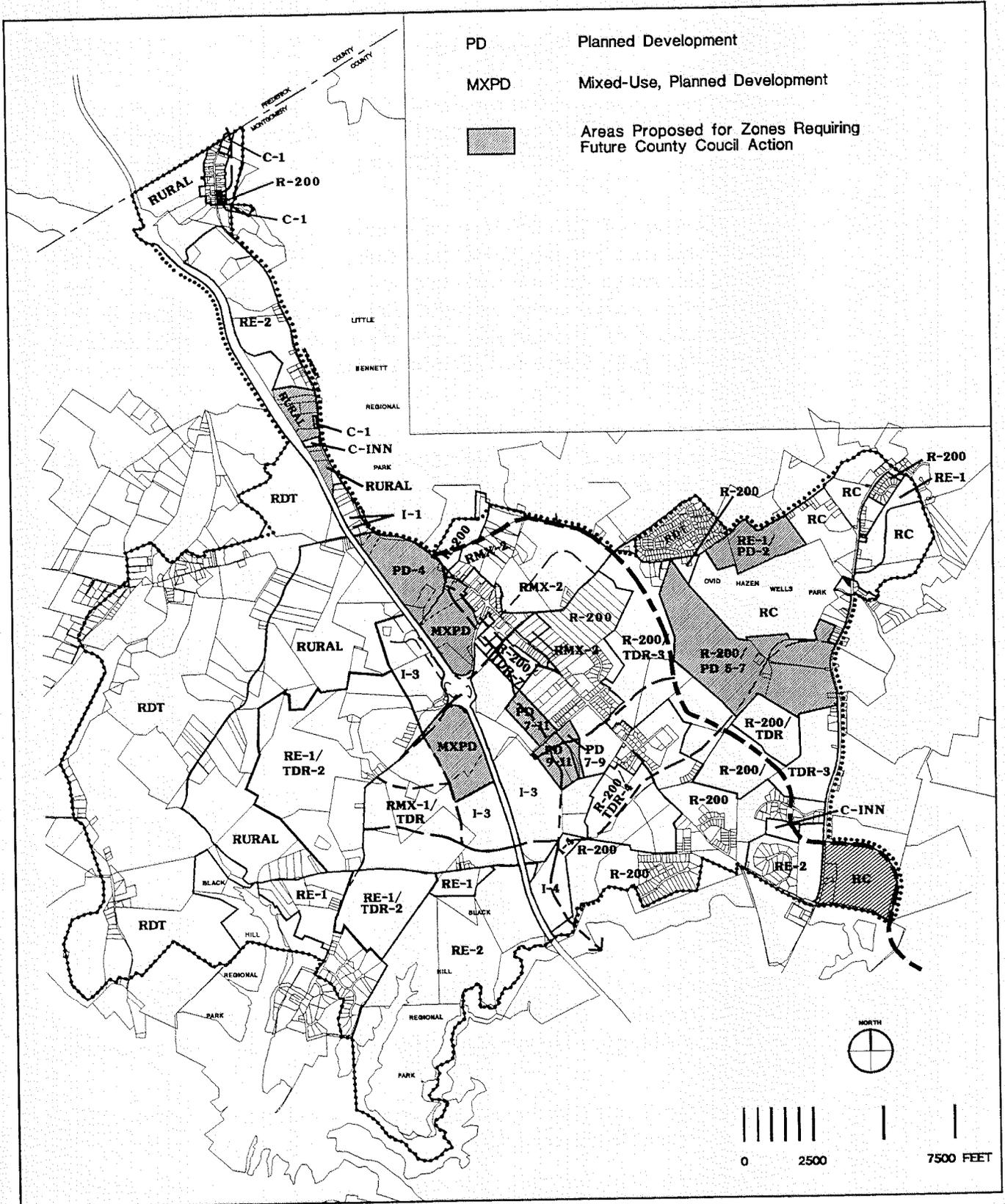
Zoning Plan

Figure 38



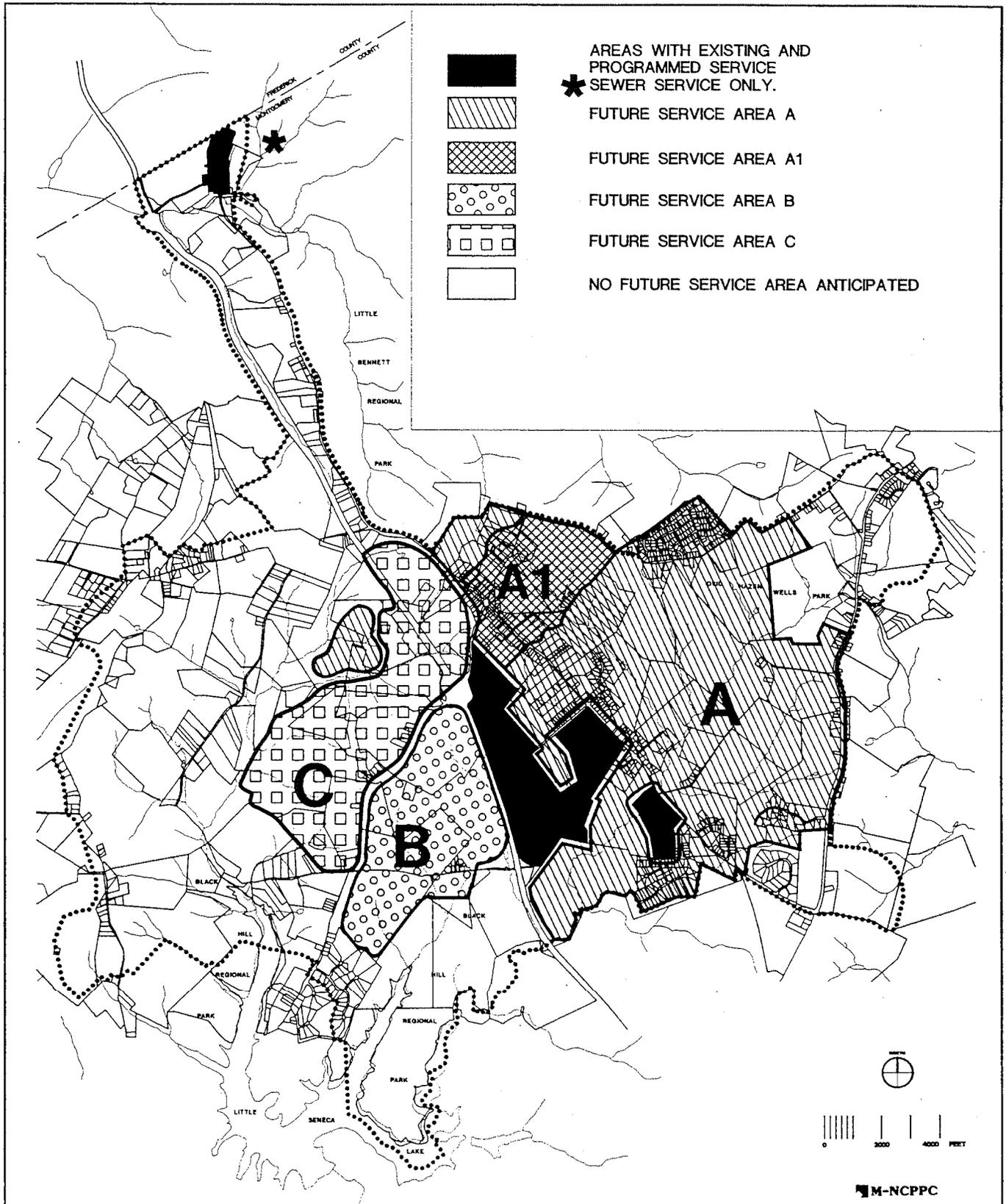
Areas Proposed for Zones Requiring Future County Council Action

Figure 39



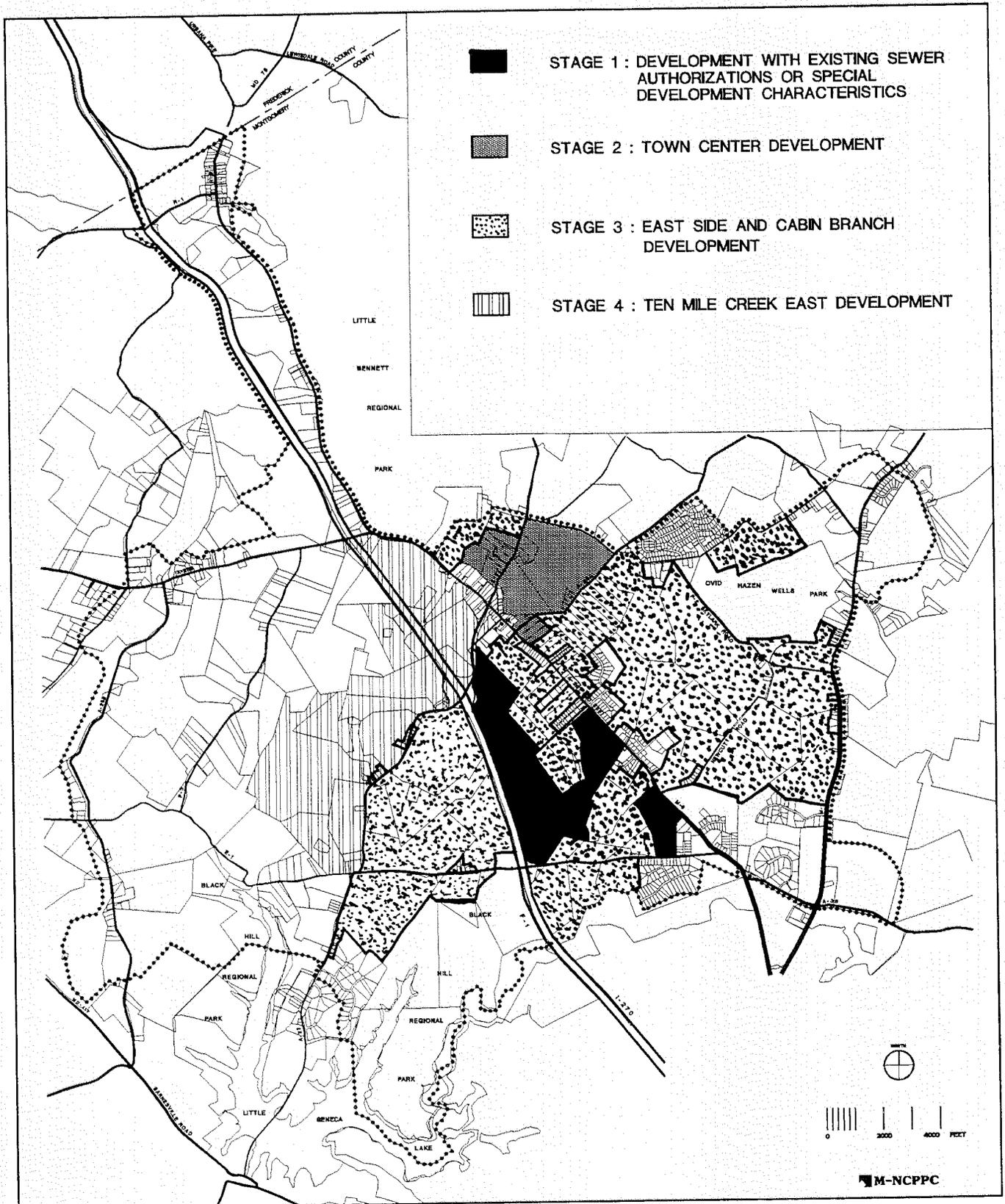
Recommended Sewer & Water Staging for Clarksburg

Figure 51



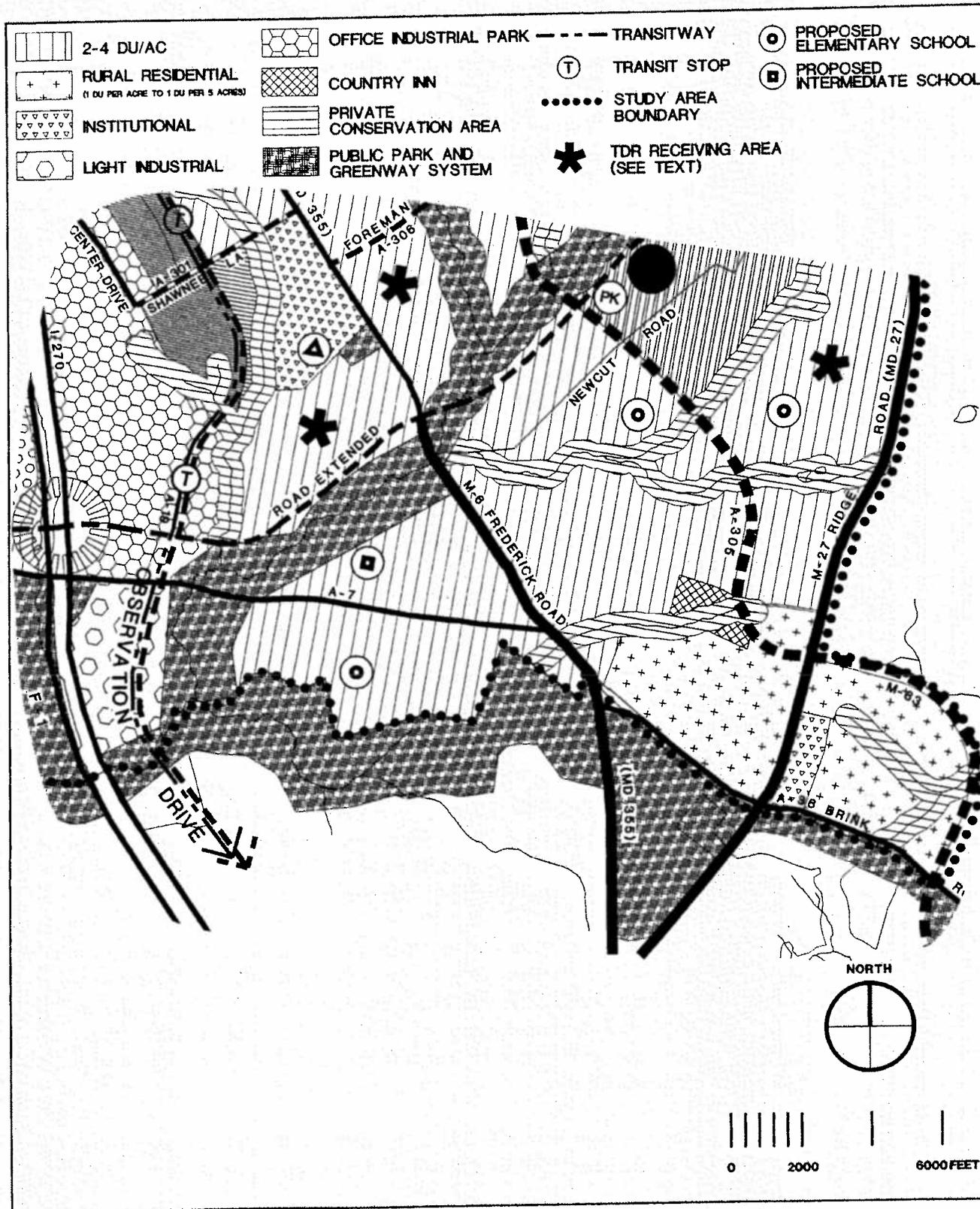
Clarksburg: Staging of Development

Figure 54



Brink Road Transition Area Land Use Plan

Figure 29



ATTACHMENT10



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 1, 2012

MEMORANDUM

TO: Renee Kamen, AICP
Area 2 Division

FROM: Ki H. Kim, Transportation Planner/Coordinator *KHK*
Area 3 Division

SUBJECT: G-881
Courts at Clarksburg Village - Butz Property
Clarksburg Policy Area

This memorandum represents Transportation Planning staff's Adequate Public Facilities (APF) review and recommendations on the subject zoning application. The application includes 140 senior adult housing units (single-family detached/attached, age-restricted units) proposed for the Butz property, located in the northwest quadrant of the intersection of MD 27 and Brink Road in the Clarksburg Policy Area.

RECOMMENDATION

Based on our review of the development plan and the traffic analysis submitted by the applicant, staff recommends the following conditions as part of the APF review related for approval of the subject zoning application.

1. Total development under the subject zoning application is limited to 140 senior adult housing units (112 detached and 28 attached single-family age-restricted units) shown on the development plan and analyzed in the traffic study.
2. The applicant must make a lump sum payment of \$46,800.00 prior to obtaining the building permit to mitigate the PAMR required 4 peak-hour trips.

DISCUSSION

Local Area Transportation Review (LATR)

Two intersections were identified as critical intersections affected by the proposed development and were examined in a submitted traffic study to determine whether they meet the applicable congestion standard. The congestion standard for the Clarksburg Policy Area is 1,425 Critical Lane Volumes (CLV). The result of the CLV analysis is summarized in Table 1.

Table 1

Intersection Capacity Analysis with CLV During the Peak Hour						
Intersection	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 27/ Skylark Road	1165	1180	1199	1205	1199	1205
MD 27/ Brink Road	1051	1067	1217	1394	1235	1406

As shown in the above table, all analyzed intersections are currently operating within an acceptable congestion standards and are expected to continue the same for the background and total future development conditions. Therefore, the subject zoning application meets the LATR requirements of the APF review.

Policy Area Mobility Review (PAMR)

The site is located within the Clarksburg Policy Area where there is a 10% PAMR trip mitigation requirement according to the County's Growth Policy. The applicant offered to make a lump sum payment of \$46,800.00 to mitigate 4 peak-hour trips which represent 10% of new trips generated by the proposed development. Thus, the subject zoning applications meets the PAMR requirements of the APF review.

Master Plan Roadways

The Approved and Adopted Clarksburg Master Plan describes the following nearby master-planned roadways:

1. Ridge Road (MD 27), as a six-lane divided major highway (M-27) with a recommended minimum right-of-way width of 150-feet, between Mid-county Highway (M-83) and Brink Road.
2. Snowden Farm Parkway, as a four-lane divided arterial highway (A-305) with a recommended minimum right-of-way width of 120-feet, between MD 27 and Stringtown Road.

3. Brink Road, as a four-lane divided arterial highway (A-36) with a recommended minimum right-of-way width of 100-feet, between MD 355 and M-83.

Public Transportation

There is one Montgomery County Ride-On Route serving this area. This Route runs from the Clarksburg Town Center to the Shady Grove Metro Station via MD 27, I-270 and I-370, and provides the stops near the subject site.

Site Access and Vehicular/Pedestrian Circulation

Two access points to the site are proposed: one from Brink Road and the other one from future Snowden Farm Parkway (A-305) which is to be constructed by the Clarksburg Village developer. All rights-of-way along MD 27, Snowden Farm Parkway, and Brink Road are to be dedicated per the Clarksburg Master Plan recommendation. The development plan shows all internal streets to be constructed as a tertiary residential street with 5' sidewalk within 50' right-of-way. The 5' sidewalks along internal streets connecting Snowden Farm Parkway and Brink Road accommodate pedestrian activities safely. Also, the applicant will provide a trail connection to allow pedestrian access to Ridge Road Recreation Park from the site at the new intersection on Brink Road. The specifics of the pedestrian cross walk and trail connection will be worked out at preliminary and site plan review.

Staff has reviewed the proposed access points and internal traffic/pedestrian circulation system shown on the development plan and finds them to be adequate.

CONCLUSION

Transportation Planning staff concludes that the subject zoning application for the 140 senior adult housing units called The Courts at Clarksburg development meets the LATR/PAMR requirements of the APF review with conditions described in this memorandum.

ATTACHMENT 11



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

MCPB
Item No.
Date: 12-20-12

Orchard Run/Courts of Clarksburg, Local Map Amendment, LMA G-881, Preliminary Forest Conservation Plan and Preliminary Water Quality Plan

JAC

Joshua Penn, Senior Planner, Joshua.Penn@montgomeryplanning.org, 301-495-4546

RAW

Richard Weaver, Acting Supervisor, richard.weaver@montgomeryplanning.org (301) 495-4544

JAC

John Carter, Chief, Area 3 Planning Team

Staff Report Date: 12/7/2012

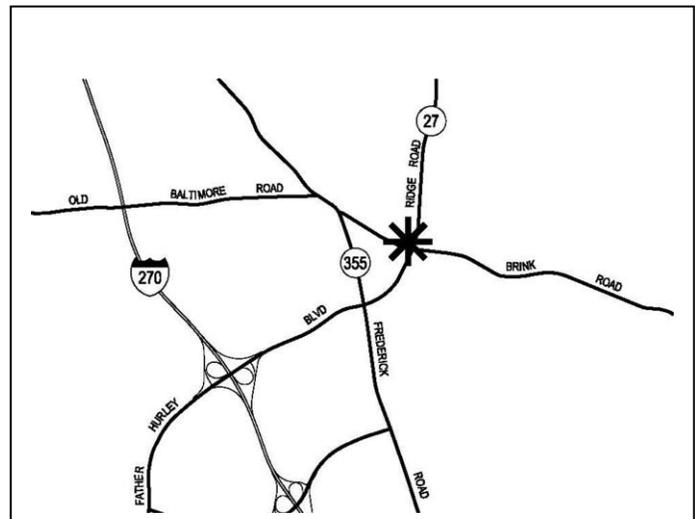
description

B. Preliminary Forest Conservation

C. Preliminary Water Quality Plan

Local Map Amendment G-881, Theodore H. Butz, et. Al., A request to rezone ±54 acres of land from the RE-2 zone to the PRC zone, located on the northwest corner of Brink Road and Ridge Road (MD 27) 1994 Clarksburg Master Plan and Hyattstown Special Study Area.

Applicant: Theodore H. Butz, et. al. ("Applicant")



summary

Staff Recommendation: Approval of both the Special Protection Area Water Quality Plan and the Preliminary Forest Conservation plan, subject to conditions

- There are three items for Planning Board review for the Theodore H. Butz, et. al. project: the Local Map Amendment, The Preliminary Forest Conservation Plan and the Special Protection Area (SPA) Preliminary Water Quality plan. This memorandum covers staff's review and recommendations on the Preliminary Forest Conservation Plan and the SPA preliminary/final water quality plan.
- The Board's actions on the Preliminary Forest Conservation Plan and the Preliminary Water Quality Plan are regulatory and binding.
- The regulatory approvals covered by this staff report are only valid if the Local Map amendment is subsequently approved by the Board of Appeals.

ATTACHMENT 11

STAFF RECOMMENDATIONS

- APPROVAL of the Special Protection Area Water Quality Plan, subject to the following conditions:
 - 1) Conformance to the conditions as stated in Montgomery County Department of Permitting Services (DPS) Preliminary Water Quality Plan approval letter dated November 9, 2012 (Attachment A).
 - 2) The impervious surfaces on the Subject Property are limited to no more than 26 percent of 49.4 acres of land within the SPA as shown on the Impervious Surface Plan dated July, 2012 portion of the Preliminary Water Quality Plan.

- APPROVAL of the Preliminary Forest Conservation Plan, subject to the following conditions:
 - 1) All retained and planted forest must be protected by a category I conservation easement. All conservation easements to be shown on the record plat. Recordation must occur prior to any land disturbing activity occurring on site.
 - 2) All areas of stream valley buffer (SVB) on site and outside of any proposed Right-of-Way dedication must be placed into category I conservation easements.
 - 3) All required afforestation planting must occur on site and outside of any proposed Right-of-Way dedication.
 - 4) Stormwater easements cannot overlap conservation easements and areas of overlap will result in a redesign of the proposed stormwater management plan and abandonment of those any easement used for stormwater management purposes for the applicant must achieve 7.41 acres of permanent forest on the subject site.

DISCUSSION

PROPERTY DESCRIPTION

The subject property is a 54.3 acre, unplatted parcel in the RE-2 Zone and located on the west side of Ridge Road and the north side of Brink Road in the Clarksburg Master Plan area (“Property” or “Subject Property”). The Property has 2,860 feet of frontage on Ridge Road and 730 feet of frontage along the north side of Brink Road. The Property is vacant and used primarily for agricultural production. The topography consists of generally level terrain but it is bisected by a drainage swale that directs runoff to the northwest. The Property has an area of steep slopes limited to a manmade graded embankment along Ridge Road

The Property is within the Little Seneca Creek watershed and drains to an unnamed tributary to Little Seneca Creek beginning on the adjacent property to the west. There are no streams on site but there is a small area of stream valley buffer on the Property. The Property contains approximately 0.21 acres of forest in one stand located on the northwest corner. This forest is considered a moderate priority for retention based on its function.

ATTACHMENT 11

PROJECT DESCRIPTION

The Development Plan proposes an active adult (retirement) community with a maximum 140 units with 12.5% Moderately Priced Dwelling Units (MPDUs). The 140 dwelling units will be a mix of 80% one-family detached and 20% one-family attached dwelling units. The development of this site will include a green edge of forest totaling over seven acres in size, a flexible amenity space that can be utilized as additional recreation, and social and professional areas supporting an active adult lifestyle.

The Property will be bifurcated by future A-305/M83 (Snowden Farm Parkway) and, therefore, be developed in two distinct sites. North of future Snowden's Farm Parkway the site will include 29 one-family attached units with forested green buffers along all edges of the development. The southern portion of the site will contain the remaining units and a clubhouse. The residents will also have access to the recreational facilities within Clarksburg Village, including a community pool, village green and various greenways.

SPA WATER QUALITY PLAN

This project is within the Clarksburg SPA and is the subject of a Local Map Amendment application, a required element of which is a Development Plan. Therefore, it is required to obtain approval of a water quality plan under section 19-67 of the Montgomery County Code. This section of the code states:

19.67.01.01 Authority: In accordance with the procedures authorized in Chapter 19, Article V, entitled "Water Quality Review - Special Protection Areas," Section 19-67, the following Executive Regulation applies to an application for approval of, or significant amendment to, a development plan, diagrammatic plan schematic development plan, project plan, preliminary plan of subdivision, special exception, or site plan, in designated special protection areas.

19.67.01.03 Applicability: A. Privately owned property: Except as exempted under Section 4, all persons proposing to disturb land within a SPA must also submit a preliminary water quality plan and a final water quality plan if they are:

(i) required by law to obtain approval of a development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan; or

(ii) seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan; or

(iii) specifically required to submit a water quality plan in a land use plan, watershed plan, comprehensive water supply and sewer system plan amendment, or by resolution of the County Council.

ATTACHMENT 11

Review for Conformance to the Special Protection Area Requirements

As part of the requirements of the Special Protection Area law, a SPA water quality plan must be reviewed in conjunction with the Local Map Amendment. Under the provision of the law, the Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of a water quality plan. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements have been satisfied.

County DPS Special Protection Area Review Elements

MCDPS has reviewed and conditionally approved the elements of the SPA Preliminary Water Quality Plan under its purview with a synopsis provided below (see Attachment A).

Site Performance Goals

As part of the preliminary water quality plan, the following performance goals were established for the site:

1. Minimize storm flow run off increases
2. Minimize increases to ambient water temperatures.
3. Minimize sediment loading
4. Minimize nutrient loading.

Stormwater Management

The stormwater management concept proposes to meet required stormwater management goals via the use of micro bioretention facilities.

Sediment and Erosion Control

Redundant sediment control structures are to be used throughout the site. The use of sediment traps with forebays will be acceptable. The total storage volume is to be a minimum of 125% of the normally required volume.

Monitoring of Best Management Practices

The monitoring must be in accordance with the BMP monitoring protocols which have been established by the MCDPS and Montgomery County Department of Environmental Protection (MCDEP). The monitoring requirements are described in the "Attachment to the Preliminary Water Quality Plan" memorandum by MCDEP and included with this Preliminary Water Quality Plan approval letter.

ATTACHMENT 11

Prior to the start of any monitoring activity, a meeting is to be held on site with MCDEP, MCDPS, and those responsible for conducting the monitoring to establish the monitoring parameters. One year of pre-construction monitoring must be completed prior to the issuance of a sediment control permit.

Planning Board Special Protection Area Review Elements

Area 3 Planning Staff has reviewed and recommends Planning Board approval of the elements of the SPA water quality plan under its purview with conditions:

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD#420121380) was approved by M-NCPPC Planning staff on May 3, 2012. The Property is located within the Clarksburg Special Protection Area (SPA) and the Little Seneca Creek watershed, a Use Class IV-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this watershed as good. There are no streams, floodplains, or wetlands on the site. There is approximately 0.36 acres of environmental buffers in the northwest corner off the Subject Property which extend from an offsite stream and wetland.

Imperviousness

A main goal for new development in all SPAs is to reduce the amount of impervious surfaces. The Clarksburg SPA, which was created following approval of the Clarksburg Master Plan and subsequently amended, specifies no maximum imperviousness cap in this portion of the SPA.

The Applicant on the July, 2012 Impervious Area Exhibit proposes a post development condition of 12.63 acres of impervious surfaces, or 25.6% of the 49.4 net tract area (See Attachment B). The net tract area of 49.4 is equal to the total tract area of 54.35 minus the proposed Right-of-Way dedication of 4.95 acres.

The Property is currently zoned RE-2. Staff has calculated impervious surface levels for typical developments across the county in the RE-2 zone and has found that they are generally between 9.0% and 10.6%. Staff has also calculated impervious levels of the other PRC development in the county and has found that is approximately 35%. Because there is no imperviousness cap within this portion of the Clarksburg SPA, the Staff and the Planning Board have historically used the general county range for the zone as a goal. At 25.6% the proposed project is higher than the upper range of 10.6% of the RE-2 zone but lower than 35% of the proposed zoning. The applicant in response to working with staff has provided several iterations of the proposed plan to eliminate impervious surfaces, specifically by shortening roadways, eliminating redundant roadways, eliminating alleys, eliminating on-street parking to reduce roadway widths, and utilization of sidewalks on one side only (subject to issuance of a waiver. The Applicant has minimized usage of all impervious surfaces to the greatest extent possible while achieving the goals of the use and meeting all other county regulations and has demonstrated that the project can achieve a impervious surface level of 25.6%.

ATTACHMENT 11

To ensure flexibility as the Development Plan moves forward, the project has used several sets of impervious numbers for different reasons. For the portion of the preliminary WQP that was sent to MCDPS the Applicant used 28% of 49.4 acres (54.35 gross tract area minus the proposed Right-of-Way dedication of 4.95 acres), this conservative number was used to make sure the stormwater management calculations would not need to be changed if the rates were raised slightly. The MCDPS Stormwater Management Design Computations numbers were conservative to allow for future adjustments. The reason is that a factor of safety is applied to the facility and infrastructure design computations to help ensure that the stormwater management facilities and infrastructure are adequately designed and constructed. The Special Protection Area standards require redundant and over-designed stormwater facilities. This is part of, and consistent with, the SPA standards and contributes towards making this a realistic and implementable project.

A proposed binding element was added to the Development Plan by the Applicant at the request of MNCPPC Staff which would limit the Development Plan to impervious levels of 28% on 49.4 acres which is consistent with the conservative numbers that were supplied with the MCDPS Stormwater Management Design Computations.

MNCPPC staff has additionally recommended a condition of approval of the Preliminary WQP that impervious levels not exceed of 26% on the 49.4 acres. The 26% impervious surface rate condition was selected for the Preliminary WQP based upon drawing that the applicant submitted showing the project could achieve 25.6% of 49.4 acres. An additional 0.4% of the 49.4 acres was added to allow some flexibility within the Preliminary WQP approval.

If specific design requirements of any future Site Plan or other county regulations required imperviousness rates to exceed 26% on the 49.4 acres the Planning Board would be obligated to re-evaluate the 26% impervious surface level condition at the time of the Final Water Quality Plan which would be required at the time of Site Plan. The binding element of the Development plan would not be required to change unless the plan proposes to exceed a 28% impervious surface level.

Staff finds that the applicant has reduced and minimized imperviousness while maintaining the project requirements and therefore meets the impervious requirements of the Clarksburg SPA with the proposed conditions.

Forest Conservation

This project is subject to the Montgomery County Forest Conservation law (Chapter 22A of the County code) under section 22A-4(a):

A person required by law to obtain development plan approval, diagrammatic plan approval, project plan approval, preliminary plan of subdivision approval, or site plan approval;

The proposed project is the subject of a Local Map Amendment application, a required element of which is a Development Plan. Therefore, the Montgomery County Forest Conservation Law is applicable to the Subject Property at this stage.

ATTACHMENT 11

The Applicant submitted Forest Conservation Plan No. G-881 (see Attachment C) on November 5, 2012. The FCP uses a net tract area of 49.4, which is equal to the total tract area of 54.35 minus the proposed Right-of-Way dedication of 4.95 acres¹.

The FCP shows no forest clearing and 0.21 acres forest retention generating a 7.2 acre afforestation requirement under section 22A-12(d) of the Montgomery County Code:

A site with less than 20 percent of the net tract area in forest cover must be afforested in accordance with the required afforestation percentages shown on the table in subsection (a) of this Section.²

Under section 22A-12(f)(2)(C) of the Montgomery County Code:

On a site covered by this subsection³, if existing forest is less than the minimum required retention, all existing forest must be retained and on-site afforestation up to the minimum standard must be provided. If existing forest is less than the applicable afforestation threshold in subsection (a), the afforestation threshold is the minimum on-site forest requirement.

This requires that the entire 7.2 acre afforestation requirement generated by the FCP must be met on site to satisfy Chapter 22A of the Montgomery County Code (Forest Conservation Law). The submitted FCP shows the entire 7.2 acre afforestation requirement to be met on site via forest planting.

No trees subject to 22A-12(b)(3) are being impacted or removed and therefore no variance is required.

The submitted Preliminary Forest Conservation Plan No. G-881 with the conditions above meets all applicable requirements of the Chapter 22A of the Montgomery County Code (Forest Conservation Law).

CONCLUSION

The Special Protection Area, Preliminary Water Quality Plan No G-881 meets all applicable sections of Chapter 19 of the Montgomery County Code; therefore, Staff recommends approval, subject to the conditions cited above.

¹ Right-of-Way dedication is for both Snowden Farm Parkway (A-305) and Ridge Road (MD RTE. 27)

² The afforestation requirement under 22A-12(a) for planned unit development areas is 15%.

³ 22A-12(f)(1) states "Any site developed in an agricultural and resource area, any planned unit development, any site developed under a cluster or other optional method of development in a one-family residential zone, and any waiver from a zoning requirement for environmental reasons, must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement.

ATTACHMENT 11

The Preliminary Forest Conservation Plan No. G-881 meets all applicable section of Chapter 22A of the Montgomery County Code, therefore, Staff recommends approval, subject to the conditions cited above.

Attachments:

Attachment A: MCDPS Preliminary Water Quality Plan Approval Letter

Attachment B: Impervious Area Exhibit, July 2012

Attachment C: Preliminary Forest Conservation Plan

ATTACHMENT A

November 9, 2012

Mr. Philip R. Hughes, P.E.
Rodgers Consulting Inc.
19847 Century Blvd., Suite 200
Germantown, Maryland 20874

Re: **Preliminary** Water Quality Plan for
Orchard Run-the Courts at Clarksburg
SM File #: 235362
Tract Size/Zone: 54.4 Ac./PRC
Watershed: Little Seneca Creek

SPECIAL PROTECTION AREA

Dear Mr. Hughes:

Based on a review by the Department of Permitting Services, the Preliminary Water Quality Plan (PWQP) for the above mentioned site is conditionally approved. This approval is for the elements of the Preliminary Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site is located on the west side of the intersection of Brink Road and MD Route 27. This proposed development is for a residential retirement community on approximately 54.4 acres. This area is within the Little Seneca Creek Watershed that is a designated Special Protection Area.

Stormwater Management: The stormwater management concept proposes to meet required stormwater management goals via the use of micro bioretention facilities.

Sediment Control: Redundant sediment control structures are to be used throughout the site. The use of sediment traps with forebays will be acceptable. The total storage volume is to be a minimum of 125% of the normally required volume.

Performance Goals: The performance goals that were established at the pre-application meeting are still applicable. They are as follows:

1. Minimize storm flow run off increases.
2. Minimize increases to ambient water temperatures.
3. Minimize sediment loading.
4. Minimize nutrient loading.

ATTACHMENT A

Philip R. Hughes
November 9, 2012
Page 2

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). The monitoring requirements are described in the "Attachment to the Preliminary Water Quality Plan" memorandum by DEP and included with this Preliminary Water Quality Plan approval letter.

Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS, and those responsible for conducting the monitoring to establish the monitoring parameters. **One year of pre-construction monitoring must be completed prior to the issuance of a sediment control permit.**

Conditions of Approval: The following are additional conditions which must be addressed in the submission of the Final Water Quality Plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Provide clear access to all stormwater management structures from a public right-of-way. Provide driveway aprons and full depth paving in areas where curbs, sidewalks and bike paths must be crossed to access the structures.
2. All of the proposed ESD features are to be micro bioretention facilities pre the current sizing and drainage area requirements.
3. The micro bioretention facilities shown in the traffic circles need approval from the appropriate agencies (e.g. MCDOT and MDFRS).
4. The dry ponds shown on the plans for flood control will not be maintained by Montgomery County.
5. The micro biofilters must not be located on private lots.
6. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
7. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required.**

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

ATTACHMENT A

Philip R. Hughes
November 9, 2012
Page 3

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240) 777-6242.

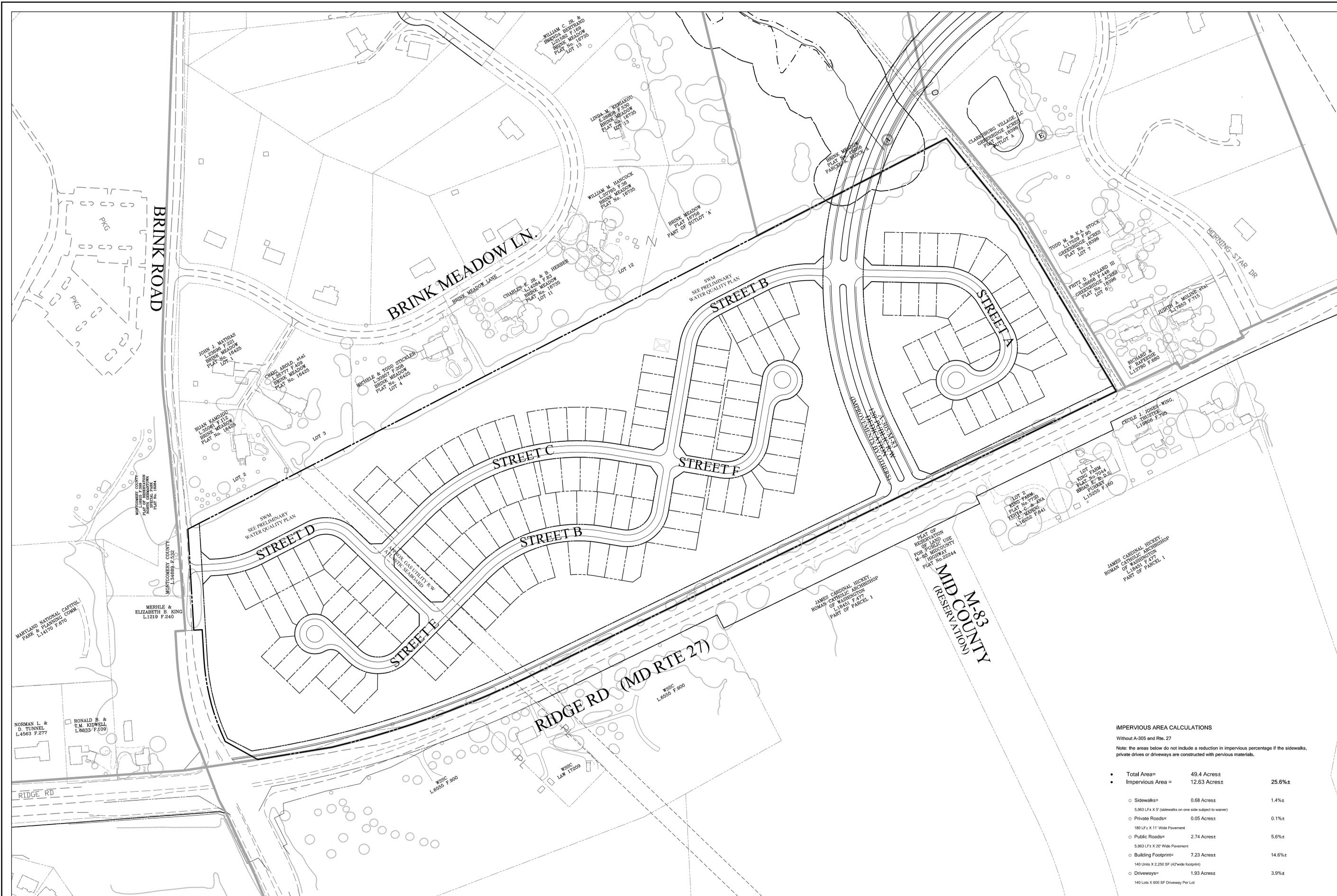
Sincerely,

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:img:CN235362

cc: J. Penn (MNCPPC-ED)
K. Mack (MCDEP)
L. Galanko
SM File # 235362

ESD acres 54.4
Structural acres 0
Waived acres 0



IMPERVIOUS AREA CALCULATIONS
Without A-305 and Rte. 27

Note: the areas below do not include a reduction in impervious percentage if the sidewalks, private drives or driveways are constructed with pervious materials.

• Total Area=	49.4 Acres±	
• Impervious Area =	12.63 Acres±	25.6%±
○ Sidewalks=	0.68 Acres±	1.4%±
5,963 LF± X 5' (sidewalks on one side subject to waiver)		
○ Private Roads=	0.05 Acres±	0.1%±
180 LF± X 11' Wide Pavement		
○ Public Roads=	2.74 Acres±	5.6%±
5,963 LF± X 20' Wide Pavement		
○ Building Footprint=	7.23 Acres±	14.6%±
140 Units X 2,250 SF (42' wide footprint)		
○ Driveways=	1.93 Acres±	3.9%±
140 Lots X 600 SF Driveway Per Lot		

REVISION	DATE	REVISION	DATE	REVISION	DATE

OWNER / APPLICANT:
THE COURTS AT CLARKSBURG
 THEODORE H. BUTZ ET AL c/o WINDRIDGE FARM, L.L.C.
 PO BOX 149
 ADAMSTOWN, MARYLAND 21710
 PHONE: 301-607-4399
 CONTACT: MR. TOM BUTZ

IMPERVIOUS AREA EXHIBIT
JULY, 2012

RODGERS CONSULTING
 Rodgers Consulting, Inc.
 19847 Century Blvd, Suite 200
 Germantown, MD 20874
 301.948.4700
 301.948.8256 (fax)
 301.253.0609
www.rodgers.com
Enhancing the value of land assets

BY	DATE
BASE DATA	CADD
DESIGNED	
DRAWN	
REVIEWED	GU 10/11
RODGERS CONTACT	
RELEASE FOR	
BY	DATE

PARCEL: P429
THE COURTS AT CLARKSBURG
 LIBER:27055, FOLIO:767
 2ND ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

SCALE:	1"=100'
JOB No.	07470
DATE	March 2012
C-5	
SHEET No.	1 of 1

ATTACHMENT12



May 18, 2012

Planning Board
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RECEIVED
MAY 24 2012
BY: _____

Re: Butz Farm Zoning

Dear Chairman Carrier and Planning Board Members,

I am writing in support of the Planned Retirement zoning request to allow for Senior housing on the Butz Farm in Clarksburg.

We are developing the adjacent Clarksburg Village consisting of 2,753 homes and 109,000 s.f. of retail. We are able to serve a lot of the different housing demands in Clarksburg Village, but not all. The only Senior housing that we are planning is 100 multi-family units in an elevator served building. We assume that this building will be built as rental units and therefore we will have no for-sale Senior housing in Clarksburg Village. I am not aware of any for-sale Senior housing planned in any of the Clarksburg planning sector. The proposed development on the Butz Farm would help address that market need.

We would like to incorporate the future Butz Farm housing into the Clarksburg Village Homeowners Association and have addressed that possibility within our HOA documents. Butz Farm future residents would then have full access to the vast recreational facilities within Clarksburg Village. The primary entrance into Clarksburg Village will be through the Butz Farm along the future Snowden Farm Parkway. Our entrance monuments will be located on the Butz Farm property at the intersection of MD 27 and Snowden Farm.

Thank you for your consideration of our position.

Sincerely,

David D. Flanagan
President
Clarksburg Village Investments, Inc.

Annapolis

175 Admiral Cochrane Drive, Suite 112
Annapolis, Maryland 21401
Phone: (410) 266-9700
Fax: (410) 266-9165

Main Office

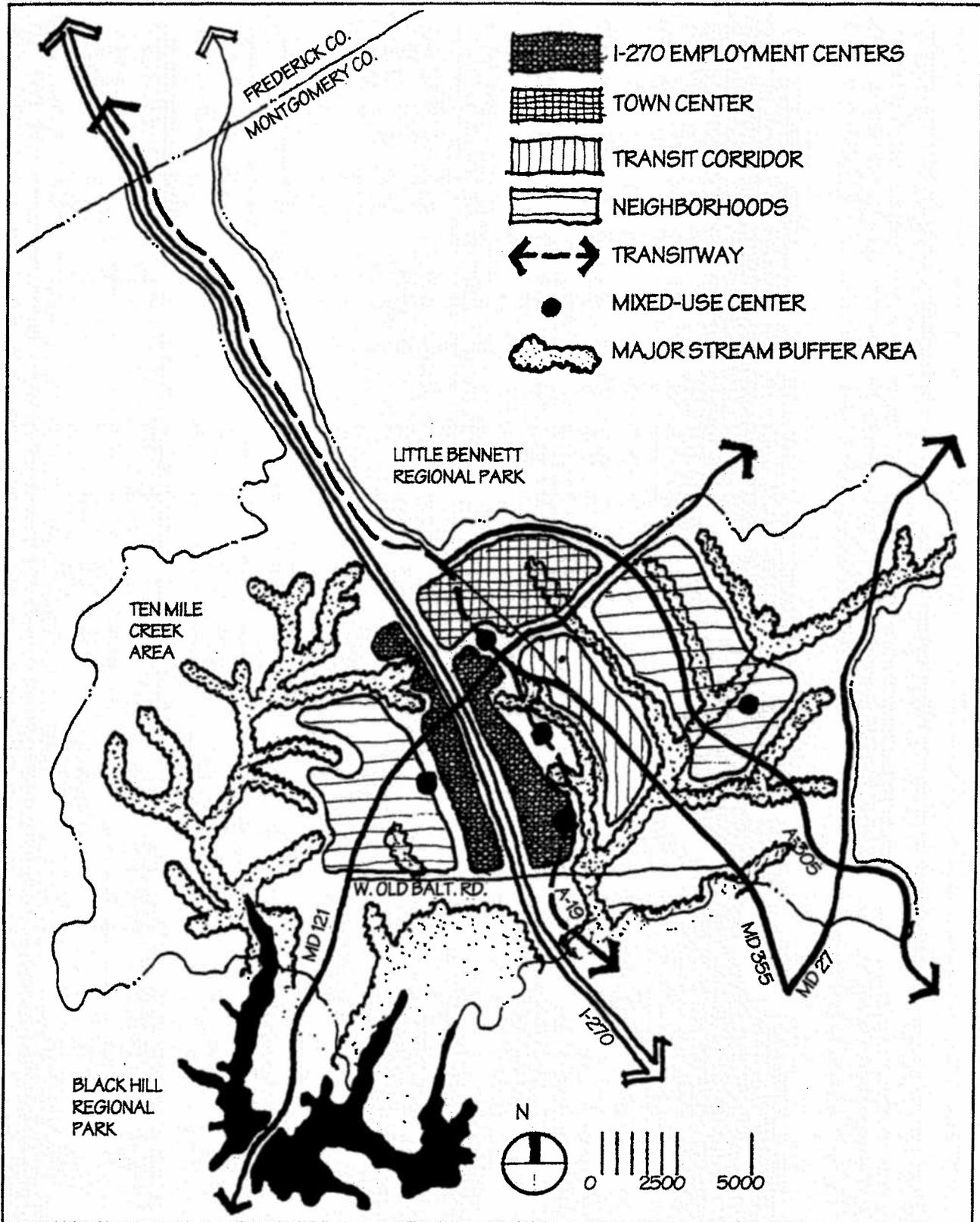
1355 Beverly Road, Suite 240
McLean, Virginia 22101
Phone: (703) 734-9730
Fax: (703) 734-0322

Ellicott City

5074 Dorsey Hall Drive, Suite 205
Ellicott City, Maryland 21042
Phone: (410) 720-3021
Fax: (410) 720-3035

Proposed Concept Plan for Clarksburg

Figure 4



ATTACHMENT 14



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

November 14, 2012

Diane R. Schwartz Jones
Director

Mr. Phillip R. Hughes, P.E.
Rodgers Consulting Inc.
19847 Century Blvd., Suite 200
Germantown, Maryland 20874

Re: Preliminary Water Quality Plan for
Orchard Run - The Courts at Clarksburg
SM File #: 235362
Tract Size/Zone: 54.4 Ac./PRC
Watershed: Little Seneca Creek

SPECIAL PROTECTION AREA

Dear Mr. Hughes:

Based on a review by the Department of Permitting Services, the Preliminary Water Quality Plan (PWQP) for the above mentioned site is conditionally approved. This approval is for the elements of the Preliminary Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site is located on the west side of the intersection of Brink Road and MD Route 27. This proposed development is for a residential retirement community on approximately 54.4 acres. This area is within the Little Seneca Creek Watershed that is a designated Special Protection Area.

Stormwater Management: The stormwater management concept proposes to meet required stormwater management goals via the use of micro bioretention facilities.

Sediment Control: Redundant sediment control structures are to be used throughout the site. The use of sediment traps with forebays will be acceptable. The total storage volume is to be a minimum of 125% of the normally required volume.

Performance Goals: The performance goals that were established at the pre-application meeting are still applicable. They are as follows:

1. Minimize storm flow run off increases.
2. Minimize increases to ambient water temperatures.
3. Minimize sediment loading.
4. Minimize nutrient loading.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov



Philip R. Hughes
November 9, 2012
Page 2

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). The monitoring requirements are described in the "Attachment to the Preliminary Water Quality Plan" memorandum by DEP and included with this Preliminary Water Quality Plan approval letter.

Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS, and those responsible for conducting the monitoring to establish the monitoring parameters. One year of pre-construction monitoring must be completed prior to the issuance of a sediment control permit.

Conditions of Approval: The following are additional conditions which must be addressed in the submission of the Final Water Quality Plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Provide clear access to all stormwater management structures from a public right-of-way. Provide driveway aprons and full depth paving in areas where curbs, sidewalks and bike paths must be crossed to access the structures.
2. All of the proposed ESD features are to be micro bioretention facilities per the current sizing and drainage area requirements.
3. The micro bioretention facilities shown in the traffic circles need approval from the appropriate agencies (e.g. MCDOT and MDFRS).
4. The dry ponds shown on the plans for flood control will not be maintained by Montgomery County.
5. The micro biofilters must not be located on private lots.
6. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
7. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office, or additional information received during the development process, or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

Philip R. Hughes
November 9, 2012
Page 3

If you have any questions regarding these actions, please feel free to contact
Leo Galanko at (240) 777-6242.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:img:CN235362

cc: J. Penn (MNCPPCO-ED)
K. Mack (MCDEP)
L. Galanko
SM File # 235362

ESD acres 54.4
Structural acres 0
Waived acres 0



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

Attachment to the Preliminary Water Quality Plan for the Butz Property
Description of BMP Monitoring Requirements

SM # 235362

Date: November 8, 2012

The purpose of this attachment is to add specificity to the standard monitoring requirements and procedures contained in the BMP monitoring protocols. Some supplemental QA/QC, data analysis, reporting, submission and record keeping tasks will be explained.

This BMP monitoring, analysis and reporting is being done to address whether the SPA performance goals are met. Monitoring efforts and reports must employ scientific approaches in an attempt to determine effectiveness of BMPs and Environmental Site Design (ESD) at mitigating impacts associated with land development.

All monitoring locations will be determined in conjunction with DPS and DEP. Prior to initiation of monitoring, consultants must contact DEP and DPS to review monitoring locations, procedures, and requirements. Monitoring is to be done according to DEP BMP Monitoring Protocols and/or methods and protocols approved by DEP. DEP BMP Monitoring protocols are available at the DEP website:

<http://www.montgomerycountymd.gov/content/dep/downloads/bmpprotocols.pdf>

Consistent methods are to be used so results can be compared with other SPA BMP monitoring projects. Thorough and careful analysis of data is required. Methods and assumptions should be detailed. Annual reports must adhere to the format and contain all required components in the order detailed in the SPA BMP Monitoring Report Checklist, also available online:

<http://www.montgomerycountymd.gov/content/dep/downloads/bmpchecklist.pdf>

Monitoring Requirements

1. Up to three groundwater monitoring wells with continuous level loggers may be required for one year pre-construction, throughout the construction period, and at the completion of construction for five years based on the findings of a site visit. Well installation logs are to be submitted within one week of installation to DEP. Each groundwater well is to be surveyed to determine exact elevation. Groundwater levels are to be reported as actual elevations (surface elevation-depth to water). Groundwater elevations will be collected continuously using level loggers in 30 minute intervals. Loggers will be downloaded quarterly.

Data should be analyzed to determine the effectiveness of site design and stormwater management in maintaining and recharging groundwater levels. Baseline data from the pre-construction period should be compared to future results to include the effect of site design and BMPs on stormwater infiltration. Graphs should be provided to support conclusions. Data on local rainfall should also be considered in the analysis. Well permit numbers as issued by MDE must accompany reports.

- Water chemistry sampling maybe required quarterly at all the groundwater wells. This monitoring would include one year pre-construction and five years post-construction. Parameters include: nitrate, nitrite, TKN, ortho-phosphorus, total phosphorus, cadmium, copper, lead, and zinc. See Table 1 (excluding total suspended solids) for relevant methods, detection limits and holding times. Lab proposals should be submitted to DEP for review.

This component of the monitoring is required to evaluate how groundwater nutrient and metal levels are affected by development and infiltration efforts on this former farm. Results will be compared among wells and also over time to evaluate how groundwater nutrient levels are impacted by development.

Table 1. Required Pollutant Parameters, Lab Methods and Detection Limits

Table 2-1. Water chemistry parameters for discharge characterization, 2009 monitoring			
Parameter	WSSC Method	WSSC MDL	WSSC RDL
Enterococcus	IDEXX ENTEROLERT	unavailable	1.0/100 mL
Biochemical Oxygen Demand 5 Day (BOD)	SM 5210 B	0.95 mg/L*	2.0 mg/L
Hardness	SM 2340 C	unavailable	unavailable
Nitrate+Nitrite	L10-107-04-1-A	0.010 to 0.011 mg/L	0.2 mg/L
Total Kjeldahl Nitrogen (TKN)	L10-107-06-2-D	0.05 mg/L	0.5 mg/L
Total Petroleum Hydrocarbons (TPH)	EPA 1664	unavailable	5.0 mg/L
Total Phosphorus (Phos)	L10-115-01-1-E	0.063 to 0.064 mg/L	0.2 mg/L
Total Suspended Solids (TSS)	SM 2540 D	unavailable	1.0 mg/L
Total Cadmium	EPA 200.8 REV 5.4, 200.9	0.1 to 1.0 µg/L	2 to 5 µg/L
Total Copper	EPA 200.8 REV 5.4	0.5 to 8 µg/L	2 to 5 µg/L
Total Lead	EPA 200.8 REV 5.4, 200.9	0.1 to 3 µg/L	2 to 5 µg/L
Total Zinc	EPA 200.8 REV 5.4, 200.9	0.6 to 16 µg/L	2 to 10 µg/L
* Most currently available	EPA - Environmental Protection Agency		
SM - Standard Methods	WSSC - Washington Suburban Sanitary Commission		
L - Lachat Instrument Methods	MDL - Method Detection Limit		
	RDL - Reportable Detection Limit (also known as Performance Quantitation Limit)		

- Local rain data may be needed in the BMP monitoring analysis of the Butz Property. Installation and maintenance of a rain gauge may be required on the property. The

rain gage should be installed on a portion of the property that will not be impacted by construction, vegetative cover, or other instructions and according to DEP and manufacturer specifications. Rain data is to be recorded in five-minute intervals in Eastern Standard Time (i.e., no daylight savings time adjustment).

4. The largest active sediment basin (or approved substitute structure) will be monitored for total suspended solids (TSS) removal efficiency with automated samplers during construction. Exact locations will be determined by DEP and DPS. All influent and effluent from storm events must be collected to calculate loadings. Sampling will be conducted quarterly; flow-weighted composite samples must be collected. The detection limit is 1 mg/L (Table 1).

A minimum dry period of 48 hours is required prior to a monitoring event. Storms are to have one half inch (0.5") or more of rainfall in a 24 hour period to qualify for this requirement. Each storm sampled must be characterized for duration and total rainfall and antecedent dry time. The storm frequency (return interval) should be reported using the National Oceanic and Atmospheric Administration (NOAA) Precipitation Frequency Data Server (http://dipper.nws.noaa.gov/hdsc/pfds/orb/md_pfds.html). Enter the coordinates of the project to obtain the return interval. Results are to be examined to determine the deficiency of the structure and percent removal of suspended sediments. Comparison over time and in conjunction with structure condition and maintenance activities is to be made while providing graphs to support conclusions.

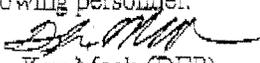
5. It may be necessary to survey stream channel profiles to monitor changes in stream morphology. Surveys are to be completed within one year prior to construction, annually throughout construction, and for five years after completion of construction. Surveys will be done in the second quarter annually. Preconstruction data will be compared to data obtained in subsequent periods to evaluate the effectiveness of BMPs in maintaining channel stability. Stream channel assessments will include longitudinal profiles, cross sections and pebble count. All stream measurements are to follow Montgomery County DEP methods. Locations will be selected in conjunction with DPS and DEP.
6. Temperature monitoring may be required to determine the effectiveness of site design and ESD at mitigating thermal impacts. This monitoring will require the deployment of up to four continuous temperature loggers equipped with external temperature probes. The monitoring period will remain fixed from 1 June ending 30 September for each year of monitoring. Monitoring is to for one year pre-construction, during construction and for five years post construction. Data loggers shall be set to record temperature at 15 minute intervals. Loggers must undergo accuracy checks, calibration, and battery check/replacements per manufacturer specifications prior to deployment. Monitoring results will be evaluated over time and among data loggers. Locations will be determined in conjunction with DPS and DEP.

7. Additional specifications for post construction monitoring will be set during Final Water Quality Plan Approval for each project. Representative stormwater management (SWM) BMP monitoring for flows, temperature and pollutant removal efficiency will be done post construction for up to 5 years on each portion of the site. Detection limits in Table 1 will apply. Not all BMPs will be monitored. If the BMPs are non-structural and cannot be monitored for pollutant removal efficiency, other monitoring options will be considered.

Reporting Requirements

1. BMP monitoring reports must include a table with dates of all major construction activities which take place on the site. For example groundbreaking, clearing, grading, BMP construction & conversion, pond maintenance, etc. Information should refer to specific structures, drainage areas, and portions of the site. Throughout this attachment completion of construction is defined as the release of the sediment and erosion control bond and issuance of a post construction monitoring bond.
2. Results should be examined to determine the efficiency of the structure and percent removal of sediment or pollutants. Data is to be compared to past periods and published results for similar structures. Graphs are needed to support conclusions.
3. Progress reports are to be submitted at the end of each quarter and will follow the format at:
<http://www.montgomerycountymd.gov/content/dep/downloads/ProgressReportTemplate.doc>
4. A report on pre-construction conditions must be deemed acceptable by DPS and DEP prior to the issuance of a sediment control permit. For subsequent periods a draft annual report on BMP monitoring is due to DEP by October 31st of each monitoring year.
5. All reports are to follow the report outline/format checklist at:
<http://www.montgomerycountymd.gov/content/dep/downloads/bmpchecklist.pdf>
6. BMP monitoring reports are to be delivered with data in an electronic format (excel spreadsheet) to Ken Mack at Montgomery County DEP and also to Leo Galanko at Montgomery County DPS.

All information submitted to DEP will be public information that DEP may freely copy and distribute. Questions on the monitoring requirements and procedures may be directed to the following personnel:

 11/9/2012
Ken Mack (DEP)
240-777-7729
kenny.mack@montgomerycountymd.gov

Leo Galanko (DPS)
240-777-6242
leo.galanko@montgomerycountymd.gov

MCP-CTRACK

From: Dreyfuss, Norman
Sent: Monday, November 19, 2012 11:49 AM
To: MCP-Chair
Subject: FW: Age-restricted Housing - Courts at Clarksburg

RECEIVED
0909
NOV 20 2012

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Elizabeth Forrest
Sent: Monday, November 19, 2012 11:48:03 AM (UTC-05:00) Eastern Time (US & Canada)
To: Presley, Amy; Anderson, Casey; Carrier, Francoise; Wells-Harley, Marye; Dreyfuss, Norman
Subject: Age-restricted Housing - Courts at Clarksburg

To: The Planning Board Chair – Francoise Carrier

From: Betty Forrest

Re: Age-restricted Housing in Clarksburg

Dear Francoise and Planning Board:

I moved here from Long Island, NY in 2004, to be closer to my Grandchildren who lived in Clarksburg. At the time my mother was living with me who was in her late 80's and stairs would soon be a problem. My only choice at that time was a condominium with an elevator. I really would have preferred a single family home with a least two bedrooms on the first floor, but nothing like that existed in Clarksburg at the time.

I attended a meeting where Tom Butz and his associates laid out their plans for an age-restricted community. I am not saying that the community is in the perfect location or that I approve of any other portion of the plans just that there is a dire need for this type of housing in Clarksburg. Many adults when they get to a certain age want the freedom of a single family home but not the size and layout that is popular with young families. Our needs change and living mostly on one floor is ideal and safer for a mature age group who wish to stay near there families.

I wish there was something like this when I was looking, it's a far better investment than a Condominium where you're future investment depends on purchasers whose finances are unknown to you. At least in a Co-op purchasers must divulge their financial situation and they are either approved or denied by the corporation.

When you are considering this age-restricted community, please give this some thought as there are very few options for people who need or want a single family home with the majority of the living area on the first floor.

Sincerely,

Betty Forrest

MCP-CTRACK

From: Kamen, Renee
Sent: Tuesday, November 20, 2012 9:35 AM
To: pwoodruff@gaithersburgmd.gov
Cc: MCP-CTRACK
Subject: FW: Age Restricted Housing

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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Patty,
Thank you for your email. I have forward it to our Chair's office for inclusion in the record.

All the best,
Renée

Renée M. Kamen, AICP
Planner, Area 2
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

301.495.4723 (p)
301.495.1303 (f)
Renee.Kamen@montgomeryplanning.org
www.montgomeryplanning.org

-----Original Message-----

From: Patty Woodruff [<mailto:PWoodruff@gaithersburgmd.gov>]
Sent: Tuesday, November 20, 2012 9:25 AM
To: Kamen, Renee
Subject: Age Restricted Housing

Hi! I have lived in Montgomery County for 40 years in Gaithersburg and mostly Rockville. We love the area. We are approaching retirement age. I have been calling Ron Kashin every couple months for the past couple years to see if anything was in the pipeline for age restricted housing. I have also called Frederick County. It appears there is really nothing going on except perhaps some condos. Even though we want to downsize, I would still want a single family house. Therefore, it seems with this being the baby boomer era, that an age restricted single family community in this area would be welcomed. There is one community in New Market that is getting close to finishing and their sales have been steady.

I think it would be in the County's best interest to go forward with approving the zoning for the Butz Property (G-881) to an age restricted community.

Thank you for your consideration to this request.

Patty Woodruff

ATTACHMENT16

24 October 2012

Ms. Renee Kamen
Planning Department
M-NCPPC
8787 Georgia Ave.
Silver Spring, MD 20910

Ms. Kamen,

I am writing to you with regard to Re-zoning Application G-881, The Courts at Clarksburg, which your office is currently evaluating. My wife and I are residents of the Brink Meadow neighborhood that borders the property that is proposed for this development. Based on prior conversations with you and based on our own review of the current application, we would like to express some serious concerns that we have regarding this proposed development.

To begin with, when my wife and I first considered purchasing our home in the Brink Meadow neighborhood in 1996, we were cautious about going forward given the presence of the large field (the Butz property) behind the lot we were considering. As such, we were diligent in seeking out and reviewing existing planning documents for the area and were encouraged when we found and reviewed the just-released 1995 Master Plan for the Clarksburg community. It told us exactly what we wanted to hear: that the land behind us was to be set aside for single family homes to be built on no less than two acres; and, that the parcel and the surrounding neighborhoods in the Brink Road Transition Area were seen as part of a "rural" buffer zone between the more densely populated communities of Germantown and Clarksburg proper. For these reasons, among others, we decided that this was where we wanted to live. Subsequently, we made, what for us at the time was, a significant investment in our property.

The latest proposal, and the prior Butz property proposals, are a complete disregard and revision of what the planners in 1995 wisely foresaw as the future purpose of this property and the immediate surroundings. This significant change to the original zoning will have a major negative impact on the value and marketability of my and my neighbors' properties. The proposed construction is not like that of the ICC, where neighboring property owners expected it because it was on the books forever. Or even the construction of Snowden Parkway (A-305), which was in the 1995 Master Plan and which we knowingly acknowledged when we purchased here. This proposal would constitute a major impactful change to the original vision that will destroy the pastoral nature of this and neighboring communities and introduce a densely packed patchwork in its place. Moreover, only Mr. Butz stands to gain on this development and the rest of us property owners stand to lose. I could understand a change that provides a significant benefit for the community at large but that is clearly not the case here.

I have a strong personal aversion to this development for another reason. I'm an amateur astronomer and have a considerable investment in telescopes and other astronomy related hardware and software. I moved, in part, to this neighborhood to take advantage of skies like I never had in Gaithersburg. This proposed densely packed neighborhood, with an equally dense concentration of street lighting and individual property lighting (which will be difficult if not impossible to control) will end my ability to enjoy the night sky, render my equipment useless and my investment worthless if allowed to go forward. Now I realize that this is a highly personal issue but, let's face it, Mr. Butz's desire to build this community is absolutely personal as well – no one will benefit but Mr. Butz. The rest of us will be negatively impacted, financially and from a quality of life perspective – plain and simple.

From my perspective, I see several other details specifically in this plan that I don't like, besides the overarching nuisance issues of years of noisy development, dust, and loss of pastoral scenery leading up to the establishment of 140 homes abutting my backyard. Other concerns involve the following:

- The establishment of Storm Water Drainage Ponds (SWMs) close to the tree line abutting Brink Meadow; these ponds are notorious for breeding mosquitoes and other pests, and for generating foul odors.
- Worsening traffic, particularly along Brink Rd. The addition of another 200 or so vehicles entering Rt. 27 and Brink Rd. will further exacerbate an already crowded and dangerous traffic situation.
- Light pollution. In addition to the impact mentioned above, the presence of this density of lighting will clearly adversely impact the quality of life in our neighborhoods. Enforcing any limitations on use of outdoor lighting by individual homeowners will be a fruitless exercise.
- Noise. Two hundred-plus individuals, two hundred noisy automobiles, 140 lawnmowers and likely a hundred barking dogs will now occupy the space behind me. Say goodbye to peace and quiet. Who's going to put up the fencing to keep all these animals off my property?

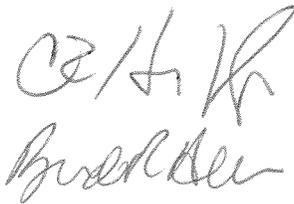
Going back to the 1995 Clarksburg Master Plan, this area, including our developments, was intended as a "rural" transition area between the busy communities of Germantown and Clarksburg, which still seems to be a solid idea but one that will certainly be totally corrupted with this development.

Of course, my biggest concern, and my neighbors', is the financial hit to our property – I'm guessing that that hit could be at least \$100 to \$200K. That's a lot of money. Maybe not to Mr. Butz but it is to me. Imagine how these 140 lower cost properties will impact comparables in the neighborhood. And consider how they will affect a prospective buyer's impression of our formerly tranquil and idyllic neighborhood. So I'm stuck with the loss at the expense of Mr. Butz's gain? If this was something like the ICC or Snowden Pkwy with a larger community benefit, I could understand it better, but, this is purely for the benefit of Mr. Butz. The neighbors in the vicinity of Mr. Butz's proposed development all lose if this development goes through. And, once again, this was never in the 1995 Master Plan that was an impetus for many of us to buy here in the first place.

With the prospect of water and sewer being provided to the Butz property as called out in the latest proposal, there should be no impediment whatsoever for the property to be developed within the existing zoning constraints. We have been told for quite some time that the issue with building on two acre lots was that a good portion of the land did not perk and so would not support septic. But, that problem no longer exists since Mr. Butz has found a way to bring in water and sewer. **So why is the county even considering this proposal at all?** Let's stick with what the county saw to be the right solution several years ago and insure that we turn this future development into a neighborhood consistent with its surroundings – not an out-of-place blemish on the community. Mr. Butz should still be able to realize a considerable financial gain without adversely impacting the rest of us.

Thank you for your consideration,

Chuck and Brenda Heber
21717 Brink Meadow Lane
Germantown, MD 20876
301-601-0806
cheber@verizon.net

Handwritten signatures of Chuck and Brenda Heber. The top signature is 'C/Heber' and the bottom signature is 'Brenda Heber'.