



**Clarksburg Square Road Extension: Preliminary Plan No. 120140060,
Preliminary/Final Water Quality Plan, Site Plan No. 820140050,
Clarksburg Town Center Amendment Site Plan No. 82007022C**

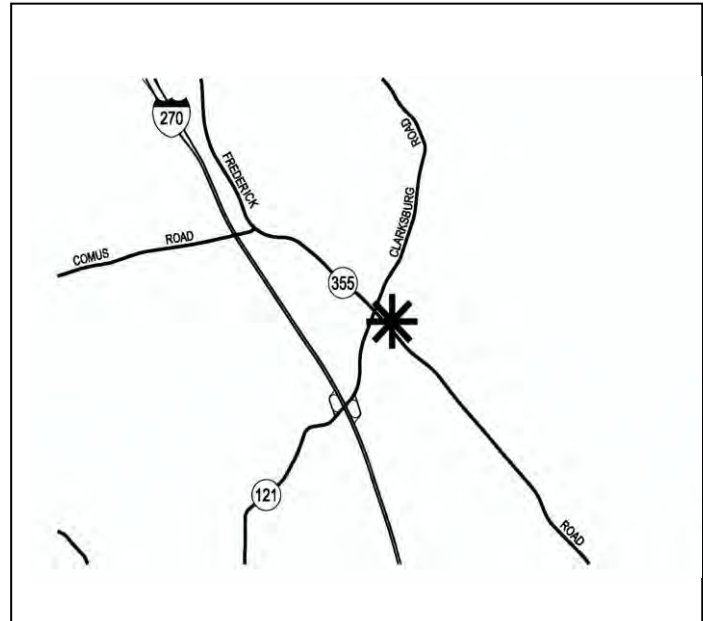
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Completed: 07/02/2015

Description

- A. **Preliminary Plan No. 120140060 with Preliminary/Final Water Quality Plan:** Request to create one (1) lot, one (1) outlot, and the dedication of 50 feet of public right-of-way from two (2) unplatted parcels; located along MD355 halfway between Clarksburg Road and Stringtown Road; 0.83 acres; C-1 and R-200 zone; located in the following Master Plans:
- 1.) 1994 Clarksburg Master Plan & Hyattstown Special Study Area
 - 2.) 2011 Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area to Allow an Exception to the Retail Staging Provisions.
 - 3.) 2014 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area
- B. **Site Plan No. 820140050 and Site Plan Amendment No. 82007022C:** Request to redevelop a property by relocating the Horace Wilson House, gasoline pumps, and parking lot while retaining the structure for the Clarksburg Grocery resulting in two commercial structures totaling 4,162 sq. feet; located in the following Master Plans:
- 1.) 1994 Clarksburg Master Plan & Hyattstown Special Study Area
 - 2.) 2011 Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area to Allow an Exception to the Retail Staging Provisions.
 - 3.) 2014 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan & Hyattstown Special Study Area



Applicant's name – Third Try L.C.
Submitted date – 9/10/2013
Review Basis – Chapter 50, Chapter 59

Executive Summary

Preliminary Plan No.120140060, Preliminary/Final Water Quality Plan

- Focused on unplatted Parcels 176 and 203 in the Clarksburg Historic District.
- This application was submitted in September 2013. As such, the application has been reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014 as allowed by Section 7.7.1.B.1 of the Zoning Ordinance.
- The application creates one lot, one outlot, and provides the necessary public right-of-way for the extension of Clarksburg Square Road as recommended by the Master Plan.

Site Plan No. 820140050

- Focused on unplatted Parcels 176 and 203 in the Clarksburg Historic District.
- This application was submitted in September 2013. As such, the application has been reviewed under the standards and procedures of the previous Zoning Ordinance in effect on October 29, 2014 as allowed by Section 7.7.1.B.1 of the Zoning Ordinance.
- The application does not require a Special Exception because the use on this property is legally non-conforming.
- Site Plan proposes to move the Horace Wilson House approximately 60 feet south to allow for a direct connection from Clarksburg Square Road to MD355.
- Relocation of the gasoline pumps to the rear of the property.
- Construction of a new parking lot while relocating access away from MD355.
- Extension of off-site sidewalk southward along MD355.

Clarksburg Town Center Site Plan Amendment No. 82007022C

- Focused on platted Parcel A, Block HH with Clarksburg Town Center.
- This application was submitted in September 2013. As such, the application has been reviewed under the standards and procedures of the previous Zoning Ordinance in effect on October 29, 2014 as allowed by Section 7.7.1.B.3.a of the Zoning Ordinance. Furthermore, it complies with the requirements of Section 7.7.1.B.3.a.i and 7.7.1.B.3.a.ii.b because it does not increase the approved density or building height and it satisfies the setbacks required by the zoning on the date of the amendment submittal.
- This Site Plan Amendment supports Site Plan #820140050 by providing additional parking, stormwater management, and an additional driveway approach.

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SECTION 1, CONTEXT AND PROPOSAL

SITE DESCRIPTION

The property is located opposite the intersection of Redgrave Place and Frederick Road (MD355) in Clarksburg. The property associated with Preliminary Plan No. 120140060, Site Plan No. 820140050, and Site Plan Amendment No. 82007022C is a group of multiple properties in three zones (“Application”). The property associated with Preliminary Plan No. 120140060 and Site Plan No. 820140050 consists of two unplatted parcels identified as Parcel 176 and Parcel 203 on Tax Map EW341 (“Subject Property”). The property associated with Site Plan Amendment No. 82007022C consists of a platted lot identified as Parcel A, Block HH as shown on Plat No. 22766 (“Subject Property in Clarksburg Town Center”). For purposes

The majority of the property associated with this Application (1.04 acres total) falls within the boundaries of the Clarksburg Historic District. Parcel 176 and Parcel 203 (Subject Property), located entirely in the Clarksburg Historic District consists of 0.83 acres with split-zoning of C-1/R-200. The portion outside the Historic District consists of 0.21 acres (Subject Property in Clarksburg Town Center), to the rear of the Property, is zoned RMX-2. The Subject Property and Subject Property in Clarksburg Town Center) is west of the Clarksburg Town Center. The properties to the north and west of the Subject Property are older houses currently used for commercial purposes. The property to the south is a veterinarian office, to the northeast are two, newer single-family detached homes, and to the east is vacant land where townhouses are proposed to be built.

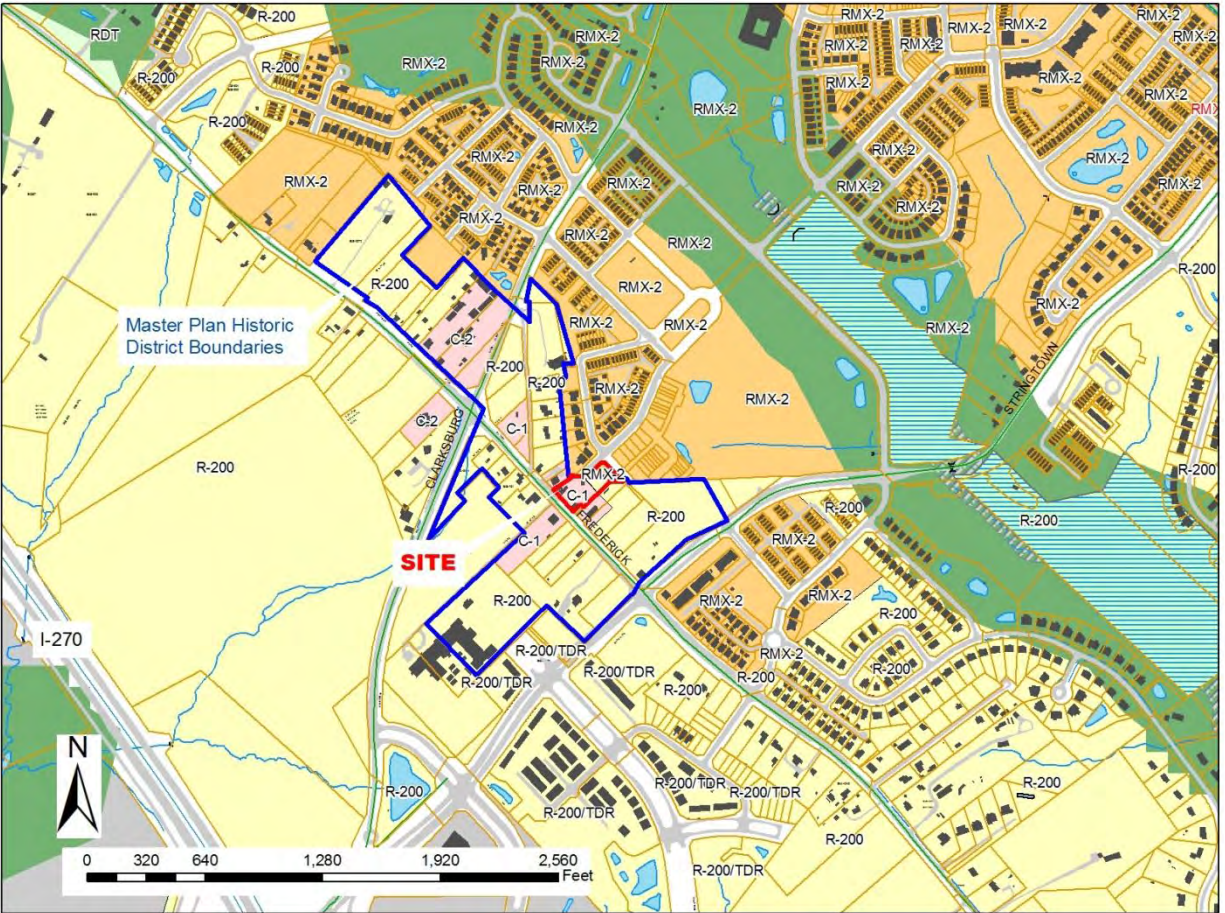


Figure 1

There is no forest on the Subject Property or Subject Property in Clarksburg Town Center but it contains scattered trees and understory vegetation. The Subject Property and Subject Property in Clarksburg Town Center are located within the Little Seneca Creek watershed and the Ten Mile Creek and Clarksburg Special Protection Areas (SPA). Streams in this portion of the watershed are designated by the State of Maryland as Use Class I-P and IV-P waters. There are no streams, wetlands, 100-year floodplain, environmental buffers, steep slopes, or highly erodible soils located on or immediately adjacent to the Subject Property and Subject Property in Clarksburg Town Center.

The Subject Property is currently occupied by a convenience store and gas station (Clarksburg Grocery), the Horace Wilson House, storage building, and surface parking, and is owned and operated by Aires Investment LLC. The Horace Wilson House, at 23335 Frederick Road, and the Clarksburg Grocery, at 23329 Frederick Road, are contributing resources to the Clarksburg Historic District (#13/10); a locally designated historic district listed in the Master Plan for Historic Preservation. The gasoline fuel pumps are located immediately to the north and west of the grocery store with the Horace Wilson House to the north and west of the fuel pumps. To the east of the Subject Property is a vacant lot that is within the site plan-approved Clarksburg Town Center and is the platted lot associated with Site Plan Amendment #82007022C (Subject Property in Clarksburg Town Center). This lot is unused and too small to develop unless included with a larger project.



Figure 2

PROJECT DESCRIPTION

The submitted plans, designated Preliminary Plan No.120140060, Site Plan No. 820140050, Clarksburg Square Road Extension, consist of two parcels totaling 0.83 acres and an additional 0.21 acre adjacent parcel (Site Plan Amendment 82007022C, Clarksburg Town Center) that is owned by the Applicant who also have a major interest in the development of Clarksburg Town Center. (See Figure 2)

The main objective of these applications is to provide right-of-way for the extension of Clarksburg Square Road (identified as Redgrave Road in the Master Plan) which will connect MD355 with the Clarksburg Town Center as envisioned by the *1994 Clarksburg Master Plan & Hyattstown Special Study Area*. A second objective is to create a lot upon which the Horace Wilson house will be relocated to because the house as it is currently in the direct path, and future right-of-way, of the Clarksburg Square Road extension. This Application will allow the house to be relocated approximately 60 feet to the southeast in closer proximity to the existing Clarksburg Grocery. The Grocery and Horace Wilson House will then be located on the same lot. In conjunction with extending Clarksburg Square Road, the Subject Property of the Horace Wilson House and the existing Clarksburg Grocery will be redeveloped with new infrastructure to support the two historic structures. The Subject Property will include new bike racks, outdoor seating, landscaping, stormwater management and greatly improved pedestrian access to the Subject Property. The existing gasoline fuel pumps and storage tanks will be removed and

new pump facilities will be located to the rear (northeast) of the two structures where the majority of activity will be shifted to include a new parking facility to serve both commercial uses. In order to accommodate all of these improvements, the Applicant is including a 0.21 acre portion (Subject Property in Clarksburg Town Center) of the Clarksburg Town Center development to accommodate stormwater management facilities (see Site Plan Amendment No. 82007022C). The Subject Property in Clarksburg Town Center, was assumed to be necessary for this use and is mentioned in the 1994 Clarksburg Master Plan.

New entrances will be constructed on the new section of Clarksburg Square Road and on the northeast side of the Subject Property in Clarksburg Town Center along Clarksridge Road. All direct vehicular access to the Subject Property from MD355 will be eliminated.

The Application also includes improvements to the public right-of-way. The Application proposes 5-foot wide sidewalks along MD355 and Clarksburg Square Road. However, because the Subject Property is in the Clarksburg Historic District, the sidewalks will have a variety of finishes and patterns using brick of the unifying material to be determined at the time of site plan. Sidewalks along MD355 will be all brick with an alternating brick pattern. A portion of the sidewalk along MD355 will use a running pattern while other sections will use a herringbone pattern. The sidewalk along Clarksburg Square Road will be concrete with a brick borders. As this sidewalk approaches the Town Center, it will transition to the conventional solid concrete sidewalk. This varied sidewalk pattern is being made to create visual interest and appear as if the sidewalk evolved organically over years of different sidewalk construction methods. These design features are supported by Historic Preservation Staff and the Historic Preservation Commission

The Clarksburg Grocery store is proposed to remain open during the redevelopment. In order to achieve this, access to the parking including handicapped parking to serve the Clarksburg Grocery must be retained. At the time of permitting, the Applicant will need to coordinate with the Department of Permitting Services and MCDOT to come to an agreement on how best to manage relocation of the Wilson House, construction and operation of the Clarksburg Grocery at the same time.

The Application proposes minor, but important, off-site improvements to the Historic District. The Application will extend the sidewalk southward in the public right-of-way across the frontage 23321 North Frederick Road which is a veterinary office. This improvement will connect to the existing sidewalk along the frontage of the Bennigan's restaurant site. In addition, the sidewalk ramps at the northeast and northwest corners of Clarksridge Road and Clarksburg Square Road in Clarksburg Town Center will be rebuilt. This will allow all the pedestrian ramps to line up properly at the intersection.

PREVIOUS APPROVALS

919940040 & 119950420

In December 1994, both a Project Plan (#919940040) and a Preliminary Plan (#119950420) were submitted for review by Piedmont and Clarksburg Associates. Using the optional method of development under RMX-2 zoning, the plan envisioned what is now known as a neo-traditional community to be constructed in phases with a maximum of 1,300 residential units, 100,000 square feet of office, and 150,000 square feet of retail. The Project Plan was approved in June of 1995 and the Preliminary Plan was approved in March of 1996.

819980010, 820020140, 820040340

The Phase I Site Plan (#819980010) was approved in 1998 and primarily covered the East Side of the Town Center. The Phase II Site Plan (#820020140) was approved in 2002. By June 2006, approximately 725 units of the approved 1,300 dwelling units had been built or were under construction in Phases I and II of the project. A Phase III Site Plan (#820040340) that included the retail portion was submitted but never approved.

Compliance Plan

In 2005, a group of residents known as the Clarksburg Town Center Advisory Committee (CTCAC) alleged numerous violations associated with the build out of their community by the Developer, NNPII Clarksburg LLC (Newlands). The Board held several hearings and scheduled others on many of the violations, but the parties agreed to go to mediation before a final determination had been made with respect to all of the allegations or the amount of the fines that should be assessed. The mediation resulted in the Plan of Compliance, which was approved by the Planning Board on June 15, 2006. The Plan of Compliance called for significant improvements to the Town Center. These improvements were put forth by the developer, Newlands, in lieu of fines that either had been or were about to be imposed as penalties for the many violations.

The Plan of Compliance consists of three Stages. Stages I and II allows the construction of small portions of the development to move forward once they received Board approval. Stage III calls for amendments to the Project Plan and Preliminary Plan and a new site plan for the entire Clarksburg Town Center project (including changes to the previously approved Phase I and Phase II Site Plans and initial approval of the retail component) that would incorporate the specific elements set forth in the Compliance Program. These improvements, which were estimated to be worth at least \$14.4 million, included items such as two structured parking garages containing 840 spaces in the retail area, an expanded and enhanced community pool facility, a grand staircase to connect the town center to Clarksburg United Methodist Church, and one million dollars for other landscaping and amenity enhancements.

After approval of the Plan of Compliance, the Applicant was able to proceed with the construction of certain residential units as allowed in Stage I of that Plan. Stage II of the Compliance Plan, which was approved in 2007, permitted construction to move forward on an additional 118 units, including 48 Moderately Priced Dwelling Units. To satisfy the requirements for Stage III of the Plan of Compliance, the Applicant submitted amended Project and Preliminary Plans (91994004B, 11995042A) and a new Site Plan covering the entire town center development in (820070220).

91994004B, 11995042A, 820070220

In July 2008, the Planning Board approved all three applications encompassing a total of 194,720 square feet of commercial, which included up to 69,720 square feet of specialty retail, and 1,213 residential dwelling units, including 12.5% MPDUs, a waiver to permit a reduction in the number of parking spaces, and a reconfirmation of the reduction in setbacks from adjacent residentially-zone properties [MCPB Nos. 08-163, 09-15, 09-16].

91994004C & 82007022A

In June 2010, the Planning Board approved an Amendment to Clarksburg Town Center (91994004C & 82007022A) to correct the unit mix and unit count from 1,213 residential dwelling units and 701 one-family attached units to 1,206 and 700, respectively [MCPB Nos. 10-58, 10-59].

82007022B

On July 16, 2013, the Planning Board approved an Amendment to Clarksburg Town Center to reinstate accessory structure setbacks on certain lots, and confirm that based on the existing approved lot standards shown on the "Interim Amendment" either single-family detached houses with garages or the previously shown "Courtyard" houses could be built on certain lots [MCPB No. 13-125].

CITIZEN CORRESPONDENCE AND ISSUES

These Applications were submitted and noticed in accordance with all Planning Board adopted procedures. Two signs referencing the proposed modifications were posted along the Subject Property frontage with MD355/Frederick Road as well as at the end of Clarksburg Square Road. A pre-submission meeting was held at Little Bennett Elementary School on October 1, 2013 at 7:00 pm. Nineteen people who were not part of the Applicant's team attended the meeting and according to the minutes of that meeting, questions were raised regarding traffic, lighting, gas pump location, the historic house, sewer extensions, and the review process. The meeting minutes indicates that all questions were answered. Staff to date has received no citizen comments or correspondence regarding the Application.

SECTION 2, PRELIMINARY PLAN #120140060

RECOMMENDATIONS & CONDITIONS

Staff Recommendation: Approval of the Preliminary Plan 120140060, including the Special Protection Area Preliminary/Final Water Quality Plan subject to the following conditions:

1. This Preliminary Plan is limited to one (1) lot for two buildings with up to 4,162 square feet of commercial use and one (1) outlot.
2. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 23, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
4. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its Preliminary/Final Water Quality Plan (P/FWQP) letter dated February 27, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Applicant must show on the final record plat the following right-of-way dedication:
 - Clarksburg Square Road: Full width dedication of 50 feet between the western terminus of the existing segment of Clarksburg Square Road and the intersection of MD355/ Redgrave Place.
6. Prior to issuance of the first building permit, the Applicant must satisfy the Transportation Policy Area Review (“TPAR”) test by making a TPAR Mitigation Payment, pursuant to the 2012-2016 Subdivision Staging Policy. The amount of this payment will be equal to 25 percent of the General District Impact Tax. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
7. Westbound left-turn movements, from Clarksburg Square Road to southbound MD355, will be sign-restricted from 6:30 a.m. to 9:30 a.m. and 4:00 p.m. to 7:00 p.m., Monday through Friday.
8. The Planning Board accepts the recommendations of the Maryland State Highway Administration (“MDSHA”) in a letter dated June 18, 2015 and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of

the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

9. Prior to issuance of any Use and Occupancy Certificates for the commercial buildings associated with this Preliminary Plan, Clarksburg Square Road must be constructed and open to traffic.
10. The certified Preliminary Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
11. Record plat must show all necessary easements.
12. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

PRELIMINARY PLAN #120140060 ANALYSIS AND FINDINGS – Chapter 50

Conformance to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area

The Subject Property in Clarksburg Town Center consists of a portion of the Town Center District identified in the *1994 Clarksburg Master Plan & Hyattstown Special Study Area* (“Master Plan”) on Page 42. Further, a more substantial portion of the Application is located on the Subject Property in the Clarksburg Historic District. The Master Plan envisions the Clarksburg Historic District as the focal point of the greater Clarksburg community. The Master Plan further envisions a strong interrelationship between the Historic District and new development, such as the Town Center, to help blend the “old” with the “new”.

The extension of Clarksburg Square Road, as proposed in this Application, enhances this interrelationship from a transportation and community standpoint. This Application achieves a major objective of the Master Plan by extending Clarksburg Square Road in the exact Master Plan alignment (See Figure 21, Page 50 of Master Plan) to enhance the interconnected street system typically found in older towns (Page 51 of Master Plan).

To achieve the desired scale, character, and location of Clarksburg Square Road, the Master Plan recommends that it should be “a maximum of two lanes or 24 feet in width.” In addition, the road should have no parking lanes within the Historic District with curb radii at the intersection that match the radii on the west side of MD355. Finally, efforts should be made to design the road and the intersection as a low volume, local road that will not detract from the character of the Historic District (Figure 3).

The proposed road extension meets all of the design guidelines established by the Master Plan. There are no parking lanes until Clarksburg Square Road exits the Historic District and enters the Clarksburg Town Center. The curb radii complement each other and the road is designed to be a low volume two lane local road that will serve both vehicles and pedestrians. The design uses MCDOT Tertiary Residential Street Standard 210.02 within a 50-foot right-of-way. This standard calls for a 26-foot wide pavement section that will match with the portion of Clarksburg Square Road already built within the Town Center.

Conformance to the 2011 Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area to Allow an Exception to the Retail Staging Provisions

The 2011 amendment to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area modified the retail staging provisions in the original Master Plan to allow commercial development in other Village Centers to proceed ahead of development in the Clarksburg Town Center. The Clarksburg Town Center was supposed to develop first and become the focus of Clarksburg. However, for a variety of reasons, the retail portion of the Clarksburg Town Center project did not move forward in a timely manner. Because of this, the retail staging provisions were modified to avoid inadvertently delaying other development in Clarksburg.

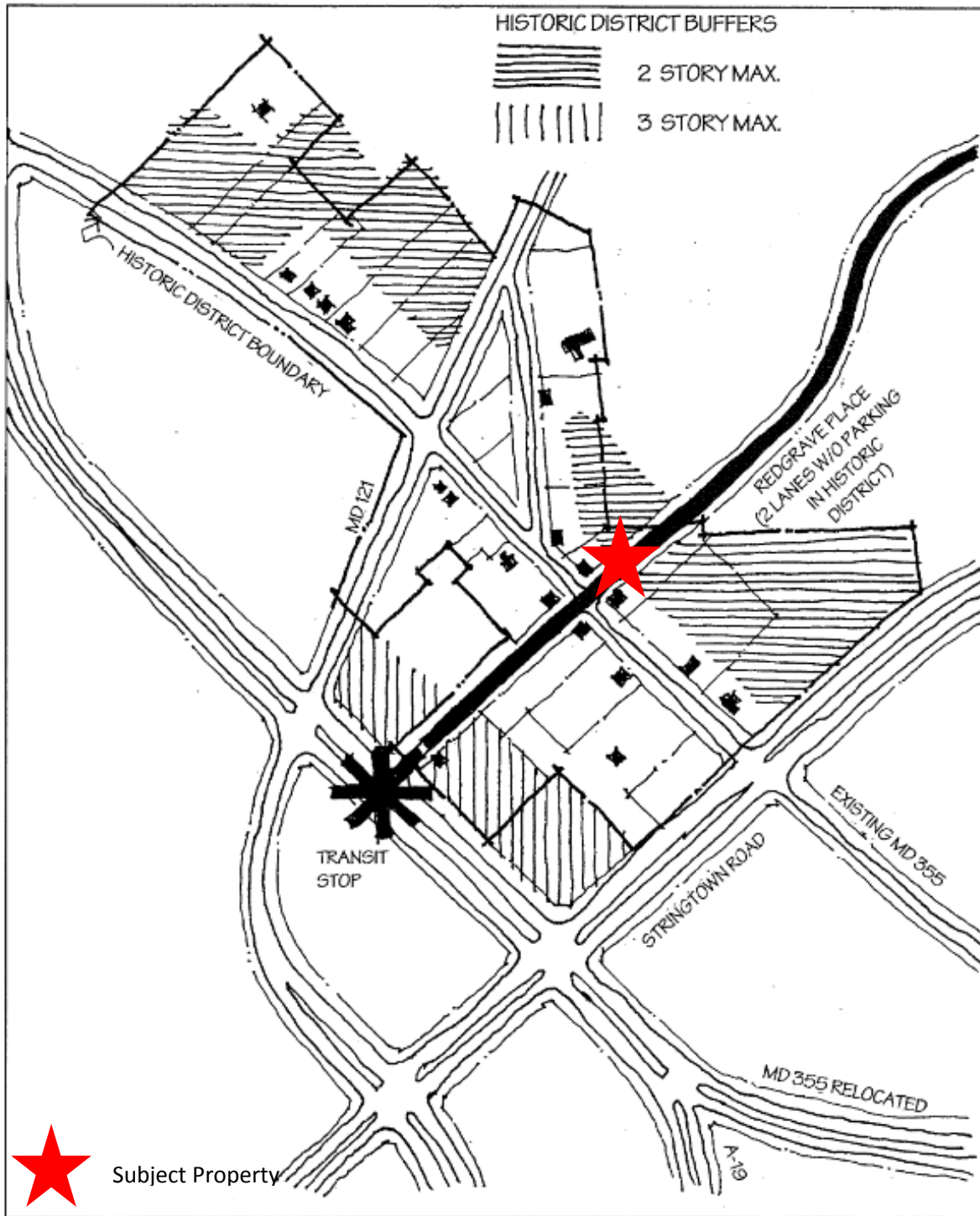
The modifications in the 2011 Master Plan Amendment have no relevancy to this Application because the three major projects (Cabin Branch, Clarksburg Village, and Clarksburg Town Center) subject to these development staging requirements have since been approved.

Conformance to the 2014 10 Mile Creek Area Limited Amendment

Approximately 40 percent of the Subject Property lies within the *2014 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area* (“Master Plan Amendment”). This Master Plan Amendment reinforces many of the recommendations of the *1994 Clarksburg Master Plan & Hyattstown Special Study Area*, such as the encouraging renovations of existing buildings to allow residential and smaller scale commercial uses as well as the relocation of MD355 to carry vehicle trips away from the Historic District.

The most significant aspect of this Master Plan Amendment involves the impervious surface limitations placed on properties located in the Clarksburg East Environmental Overlay Zone. However, properties located in the Clarksburg Historic District within this zone are exempt from the requirements of this Master Plan Amendment according to Montgomery County Council Resolution 17-1048. The Amendment does seek to minimize impervious surfaces whenever possible.

Clarksburg Historic District Buffers



Master Plan Roadways and Pedestrian/Bikeway Facilities

The *1994 Clarksburg Master Plan & Hyattstown Special Study Area* and the *2005 Countywide Bikeways Functional Master Plan* include the following nearby roadway/bikeway facilities:

1. Frederick Road (MD355), B-1: a Business District roadway through the Town Center area, with a minimum master planned right-of-way of 50 feet. This roadway is designated as “rustic” between the two proposed future intersections of the Clarksburg Bypass. Master Planned Bikeway, SP-72, is designated for the west side of MD355 from Watkins Mill Road to the Frederick County line.
2. Clarksburg Square Road, B-2: a Business District roadway, between Observation Drive (A-19) and Little Seneca Creek, with a minimum master planned right-of-way of 70 feet.

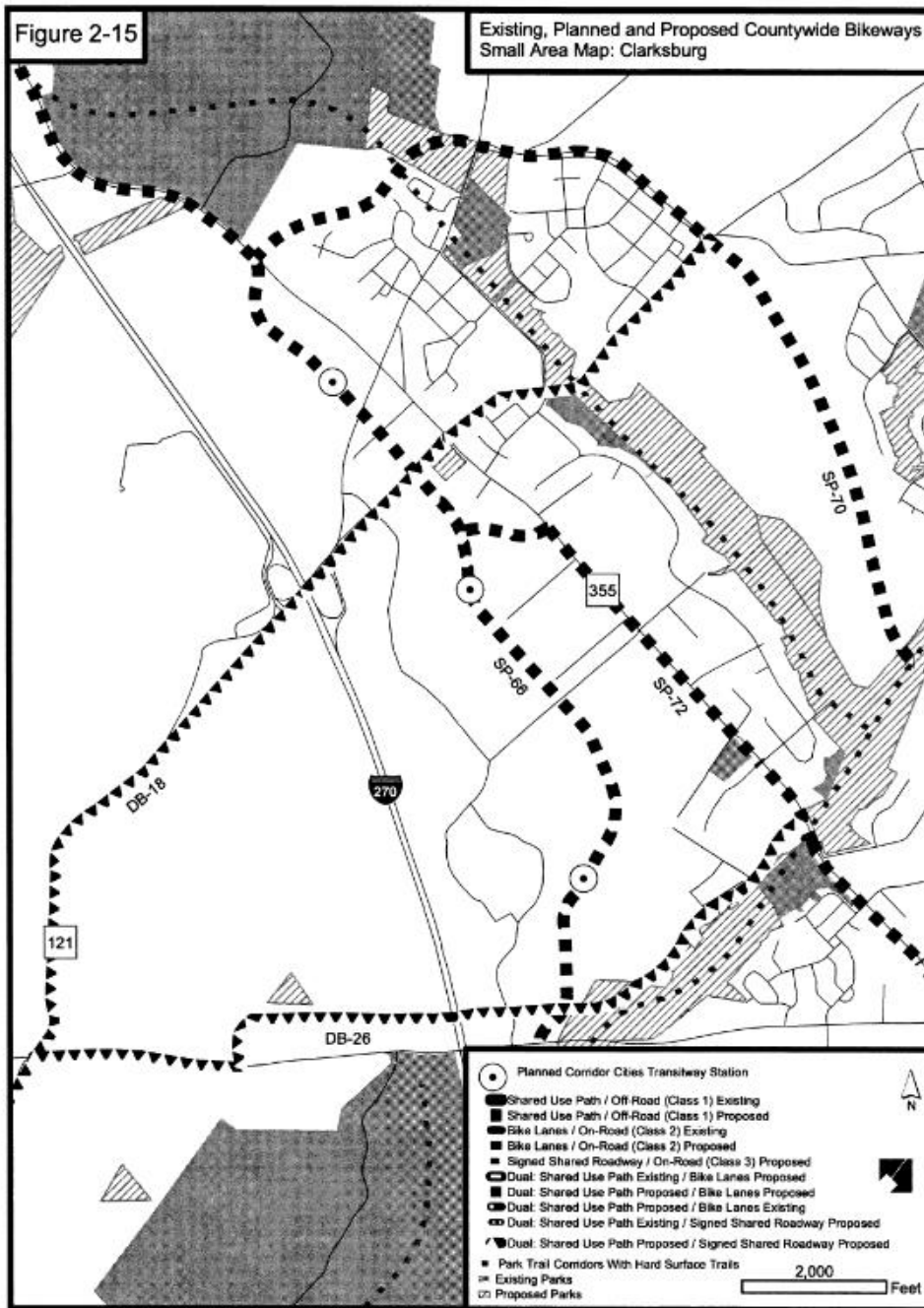


Figure 4

Although the proposed 50-foot wide right-of-way is less than the 70-foot wide right-of-way recommended in the Master Plan for Clarksburg Square Road, the proposed public right-of-way accommodates a two-lane business district street (one travel lane in each direction) and five-foot wide sidewalk on either side of the street. This Business District street is consistent with both Redgrave Place,

to the west, and the existing section of Clarksburg Square Road, to the east. A wider right-of-way would have made the relocation of the Horace Wilson house in a suitable location next to the Grocery Store, virtually impossible.

Public Facilities

Access, Parking, and Public Transportation

Vehicular access to the existing Horace Wilson House and the Clarksburg Grocery is currently provided via two separate entrances on Frederick Road (MD355). Following right-of-way dedication for Clarksburg Square Road, relocation of the Horace Wilson House, and construction of Clarksburg Square Road, vehicular access from MD355 will be eliminated. Access to the repurposed structures will be provided from one commercial driveway on Clarksburg Square Road and one commercial driveway on Clarksridge Road along the eastern border of the Subject Property in Clarksburg Town Center. Future pedestrian access to the Subject Property will be facilitated via a new five foot wide sidewalk along the site's MD355 and Clarksburg Square Road frontages. Pedestrian access will be further improved by relocating the existing northbound MD355 bus stop to within 50 feet of the MD355/ Clarksburg Square Road intersection. The immediate area is served by Montgomery County Ride-On transit Route 75 to Germantown Transit Center.

In order to provide for safe turning movements onto Frederick Road (MD355) from the newly constructed Clarksburg Square Road during the morning and evening peak periods, westbound left-hand turning movements, from Clarksburg Square Road to southbound MD355, will be sign-restricted from 6:30 a.m. to 9:30 a.m. and 4:00 p.m. to 7:00 p.m., Monday through Friday.

Adequate Public Facilities Review

The proposed conversion of the historic Horace Wilson House to a retail use, measuring 2,652 square feet, will generate five peak-hour trips during the weekday morning (6:30 a.m. to 9:30 a.m.) and nineteen peak-hour trips during the weekday evening (4:00 p.m. to 7:00 p.m.) peak periods. Since the proposed development was estimated to generate less than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods, a traffic statement (dated October 18, 2013) was submitted for the subject application per the *LATR/TPAR Guidelines*. Trip generation, summarized in Table 1, shows that the proposed development will generate a total of 4 new vehicular trips in the morning hour and 18 new vehicular trips in the evening peak hour after existing vehicular trips associated with the dwelling unit are applied. Because the Application does not exceed the 30 trip threshold, the Application is exempt from the requirements of LATR.

According to the 2012-2016 Subdivision Staging Policy (SSP), the Clarksburg Policy Area is adequate under the roadway test and inadequate under the transit test. As a result, the applicant is required to pay 25% of the general district impact tax, to satisfy the Transportation Policy Area Review (TPAR). Upon payment of the TPAR impact fee, the proposed development satisfies Adequate Public Facility (APF) requirements and does not necessitate further transportation analysis.

TABLE 1: SUMMARY OF SITE TRIP GENERATION

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed Retail (2,652 SF)	3	2	5	10	9	19
Existing Single Family Dwelling Unit (credit)	0	-1	-1	-1	0	-1
Total Net New Peak Hour Trips	3	1	4	9	9	18

Source: Kimley-Horn and Associates, Inc. Traffic Study dated October 18, 2013.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property and Subject Property in Clarksburg Town Center are located in the W-1/S-1 water and sewer service categories. A new public sewer line will be extended along Clarksburg Square Road to provide service. The Application will utilize existing water line infrastructure located within the MD355 right-of-way. The Application was also reviewed by the Montgomery County Fire Marshal’s office, and was approved on March 25, 2014 (Attachment 10). Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the SSP currently in effect. The Application is does not generate any school aged children and is therefore, not subject to a School Facilities Payment.

ENVIRONMENTAL ANALYSIS AND FINDINGS

Forest Conservation and Environmental Guidelines

The Application is subject to the Forest Conservation Law (Section 22A of the County code). Parcel A was covered under a previously approved FCP for the Clarksburg Town Center Site Plan No. 820070220 and the Application demonstrates compliance with this plan as described in more detail in Section 3 of this report. A FCP Exemption was confirmed for Parcels 176 and 203 in a letter dated June 30, 2015 (Attachment 7).

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) (#420102130) for the Subject Property was approved on July 15, 2010. The NRI/FSD identifies the environmental constraints and forest resources on and adjacent to the Subject Property. There are no streams, wetlands, 100-year floodplain, environmental buffer, steep slopes, or highly erodible soils on or adjacent to the Subject Property or Subject Property in Clarksburg Town Center. The Subject Property and Subject Property in Clarksburg Town Center does not contain any forest; however, there are scattered trees and understory vegetation onsite. There are four trees that were identified with a Diameter at Breast Height (DBH) of 24 inches or

greater that are located on or within 100 feet of the Subject Property and Subject Property in Clarksburg Town Center.

Forest Conservation

In a letter dated June 30, 2015, the Subject Property was granted an exemption from submitting a forest conservation plan (42015229E) per Section 22A-5(s)(2) of the Forest Conservation Law:

“an activity occurring on a tract less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet;”

Special Protection Area Preliminary/Final Water Quality Plan

Staff finds that the Applicant has satisfied all applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas. The Subject Property is located within the Clarksburg Special Protection Area and the Ten Mile Creek Special Protection Area (Figure 4). Since the Clarksburg Historic District was excluded from the Clarksburg East Environmental Overlay Zone, the Subject Property is not subject to those provisions. As part of the requirements of the Special Protection Area Law, a SPA Water Quality Plan must be reviewed in conjunction with a preliminary plan and site plan. Under the provision of the law, 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, and site imperviousness limits have been satisfied. MCDPS must review and approved site performance goals, stormwater management practices, sediment and erosion control measures and monitoring of Best Management Practices.



Figure 5

Planning Board Responsibilities

Environmental Buffers

The Application satisfies all of the applicable requirements of environmental buffer protection. There are no streams, wetlands, 100-year floodplain, or environmental buffers located on or immediately adjacent to the Subject Property and Subject Property in Clarksburg Town Center.

Forest Conservation and Planting Requirements

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

Subject Property

A Forest Conservation Plan Exemption (42015229E) was confirmed under Section 22A-5(s)(2) of the Forest Conservation Law.

Subject Property in Clarksburg Town Center

The 0.21 acre portion of the Clarksburg Square Road Extension project is in compliance with the approved FCP for the Clarksburg Town Center (820070220). The approved FCP for the Clarksburg Town Center illustrates that Parcel A has been approved to clear all existing vegetation as indicated by the Limits of Disturbance (LOD) line at the edges of the Subject Property in Clarksburg Town Center. The proposed construction for Clarksburg Square Road extension will not alter this approved LOD. The Applicant has confirmed compliance with the approved FCP 820070220 by demonstrating that the LOD will not change from the approved FCP.

Site Imperviousness

The Application has satisfied all of the applicable requirements of site imperviousness limitations by demonstrating efforts to avoid and minimize impervious surfaces to the greatest extent possible while meeting required zoning and design standards. The Clarksburg and Ten Mile Creek SPAs do not have numerically defined impervious surface limits and the Subject Property and Subject Property in Clarksburg Town Center are located outside of any overlay zones with specific impervious surface limitations; however, impervious surface levels must be minimized to the greatest extent possible. The Subject Property is currently developed with a convenience store, storage building, gasoline fuel pumps, and a parking area. There is an historic structure located within the proposed right-of-way for the extension of Clarksburg Road. This house will be relocated on the Subject Property, south of its current location and north of the existing convenience store. The construction of the road requires a fifty foot right-of-way with paving and sidewalks on both sides per the Clarksburg Master Plan and Montgomery County Department of Transportation (MCDOT) road standards. Additionally, Maryland State Highway Association (SHA) requires improvements within their right-of-way along MD355 to include curb and gutter, and a sidewalk. These improvements are required to provide safe and efficient movement of vehicles and pedestrians through the area. The extension of Clarksburg Road will connect the Clarksburg Town Center to MD355 and the Clarksburg Historic District. In addition to the required road improvements, the convenience store, storage building, fuel pumps, historic house and parking lot will remain, with some adjustments to accommodate the new road and relocated historic structure. The Application proposes 26 parking spaces, the minimum required by the zone. Drive aisles, and paving associated with the relocated gasoline pumps for vehicles to fill their tanks, and delivery trucks to maneuver and unload gas require additional impervious surfaces. There are no additional parking spaces or private sidewalks proposed on the Subject Property or Subject Property in Clarksburg Town Center. There is currently 0.55 acres of existing impervious surfaces on the 0.83 acre Subject Property (53 percent). The Application (Subject Property and Subject Property in Clarksburg Town Center) proposes 0.65 acres of impervious surfaces (63 percent), a net increase of 0.11 acres or 1 percent (Attachment 9).

Montgomery County Department of Permitting Service Special Protection Area Review Elements

Montgomery County Department of Permitting Services has reviewed and conditionally approved the elements of the SPA Preliminary/Final Water Quality Plan under its purview in their letter dated February 27, 2014 (Attachment 8). These elements include site performance goals, stormwater management, sediment and erosion control and monitoring of Best Management Practices.

Site Performance Goals

As part of the water quality plan, the following performance goals were established for the site: minimize storm flow runoff increases and sediment loading.

Stormwater Management Concept

The required stormwater management goals will be met through the use of various Environmental Site

Design (ESD) practices including micro-bioretenion, pervious pavement and a flow through structural filter.

Sediment and Erosion Control

Sediment control will be provided by the use of super silt fence with immediate stabilization emphasized.

Monitoring of Best Management Practices

The Applicant is required to pay a fee to the Montgomery County Department of Environmental Protection for the costs associated with the monitoring of Best Management Practices.

The preliminary plan has been granted an exemption from Article II of the forest conservation law and therefore satisfy all applicable requirements of, Chapter 22A of the Montgomery County Code. The applications also adequately protect environmentally sensitive features.

The application for the Subject Property in Clarksburg Town Center is in compliance with the approved Final Forest Conservation Plan (FCP) for the Clarksburg Town Center (820070220). The Applicant has demonstrated compliance by demonstrating that the LOD will not change from the approved FCP.

Staff finds that with the conditions of approval the project is in compliance with the Montgomery County Environmental Guidelines, the Forest Conservation Law, and the Special Protection Area Law.

Compliance with the Subdivision Regulations and Zoning Ordinance

This preliminary plan application has been reviewed for compliance with the Montgomery County Code Chapter 50, the Subdivision Regulations and is found to meet all applicable sections. The Application demonstrates compliance with required setbacks for both structures, parking, stormwater management, access, and necessary right-of-way dedications in the Zoning Ordinance, Subdivision Regulations, and applicable Master Plans. Therefore, the proposed lot size, width, shape and orientation are found to be appropriate for the location of the subdivision and for the intended use given the recommendations of the Master Plan.

The lots were reviewed for compliance with the dimensional requirements for the C-1 and R-200 zones as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and open space, and future dwellings can meet setbacks required in that zone. A summary of this review is included in attached Table 2. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Table 2: Preliminary Plan Data Table for the C-1 Zone

PLAN DATA	Development Standard	Proposed by Plan
Maximum Lot Area	15 acres	0.83
Green Area	10%	50%
Building Height	Max 30 ft.	30 ft.
Setbacks		
From Right-of-Way	0 ft. Min.	0 ft.
From Any Other Lot Line	10 ft. Min.	10 ft.
Lot Coverage	35% Max.	11%
Site Plan Required	Yes, due to Historic District	Yes, due to Historic District

¹ As determined by MCDPS at the time of building permit.

SECTION 3, SITE PLAN #820140050

RECOMMENDATIONS & CONDITIONS

Staff recommends approval of Site Plan 820140050. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

Conformance with Previous Approvals & Agreements

1. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120140060.

Environment

2. Water Quality

a) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (“MCDPS”) Preliminary/Final Water Quality Plan approval letter dated February 27, 2014.

3. Transportation

- a) Prior to issuance of any Use and Occupancy Certificate, the Applicant must provide pedestrian sidewalks at a minimum of 5-foot wide along all streets proposed within the Subject Project. The sidewalks must be ADA compliant and free and clear of all obstructions.
- b) The Applicant must relocate the existing bus stops on MD355 as shown on the Certified Site Plan.
- c) Prior to issuance of any Use and Occupancy Certificate, the Applicant must provide short-term public bicycle parking along the Clarksburg Square Road frontage, as shown on the Site Plan, for 8 bicycles.

Public Use Space, Facilities and Amenities

4. Public Use Space, Facilities, and Amenities

- a) Before the issuance of any Use and Occupancy Certificate for the commercial development, all public use space areas on the Subject Property must be completed.
- b) If the Clarksburg Grocery is to remain open during construction, the minimum amount of on-site parking including handicapped accessible parking shall be 11 parking spaces and one (1) handicapped parking space shall be maintained on the Subject Property at all times during construction.
- c) The Applicant must construct an off-site sidewalk, as shown on Site Plan No. 820140050, in the right-of-way in front of Parcel 177 to connect to the existing sidewalk in front of the Bennigan’s site prior to the issuance of any Use and Occupancy Certificate on the Subject Property.

¹ For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

5. Landscaping

- a) Before issuance of the any Use and Occupancy Certificate, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, and pedestrian system and picnic/seating areas must be installed.
- b) The Applicant must install the landscaping no later than the next growing season after completion of site work.

6. Lighting

- a) Before issuance of the any building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for commercial development.
- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on proposed fixtures causing potential glare or excess illumination.
- d) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e) The light pole height must not exceed 12 feet as illustrated on the Certified Site Plan.

7. Site Plan Surety and Maintenance Agreement

Before issuance of the any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board. The Agreement must include a performance bond(s) or other form of surety with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of the any building permit within each relevant phase of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each phase.

8. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

9. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution, and Site Plan Amendment #82007022C on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

SITE PLAN # 820140050 ANALYSIS AND FINDINGS

FINDINGS

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

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan is required for the Subject Property.

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

Within the Clarksburg Historic District, the Subject Site is split-zoned C-1/R-200. The commercial use including a food and beverage store within the historic building are permitted in the C-1 Zone, and off-street parking in connection with commercial uses is permitted in the R-200 Zone. The Site Plan meets all the conditions in Section 59-A-6.22 “Parking in conjunction with historic districts.”

The following data table indicates the Site Plan compliance with all development standards of the zones. With respect to building setbacks, Staff recommends a reduction of the setback requirement from the Clarksburg Square Road ROW, as permitted in Section 59-A-6.23 “Lot Width and setbacks” and in accordance with the Historic Area Work Permit approval process. The C-1 Zone has a green area requirement of 10 percent, which the Site Plan exceeds by providing 50 percent or 0.33 acres of green area.

Table 3: Project Data Table

Development Standard	Zoning Ordinance Permitted/Required	Proposed for Approval
Site Area (acres)		
Gross Tract Area (GTA)	n/a	<u>0.83 acres</u>
C-1 Zone Parcel 203		0.01 acres
C-1 Zone Parcel 176		0.65 acres
R-200 Zone Parcel 176		0.17 acres
Road Dedication	n/a	0.19
Net Area	n/a	0.64
Density (SF)		
▪ Ex. Commercial Building area	n/a	1,510
▪ Ex. historic house area (convert to commercial use)	n/a	<u>2,652</u>
▪ Total Ex. and proposed Commercial Building Area	n/a	4,162
Min. Building Setbacks (feet)		
Street ROW (59-C-4.343(a)(1))	10	3*
Side (59-C-4.343(b)(3))	10	12
Rear (59-C-4.343(b)(2))	0	90
Max. Lot Coverage (acres)		
	0.23 (35%)	0.07 (11%)
Max. Building Height (feet)		
(59-C-4.342)	30	30
Min. Green Area		
(% of GTA) (59-C-4.344)	10% (0.07 acres)	50% (0.33 acres)
Vehicle Parking Spaces (59-E)		
Clarksburg Market		
▪ Retail use (1,510 SF)	8 (at 5 sp/1,000 SF)	8
▪ Outdoor seating (240 SF)	4 (at 15 sp/1,000SF)	4
Historic House		
▪ Retail use (2,652 SF)	14 (at 5 sp/1,000 SF)	14
Total parking	26	22.5 (+ 3.5 spaces from Site Plan Amendment 82007022C)
Min. Parking Setbacks (feet)		
Street ROW (59-E-2.71)	10	14
Side yard adjacent to R-200 (59-E-2.81(a))	12	15
Side yard adjacent to C-1 (59-E-2.72)	4	12
Bicycle Parking Spaces (59-E)		
	n/a	8

* Per Section 59-A-6.23, the Planning Board may reduce the setback requirements for a main building for the purpose of maintaining the historic development and building patterns throughout the historic district.

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

The location of buildings and structures is adequate, safe, and efficient. The Site Plan proposes to relocate the historic Horace Wilson House to the south by approximately 63 feet while maintaining the same front setback from the road. This relocation enables the extension of Clarksburg Square Road to Frederick Road (MD355) as recommended in the Master Plan. The proposed location for the historic house is adequate by maintaining existing setbacks in the historic district, and safe and efficient by enabling the creation of a T-intersection between the two roads. The parking area with 26 spaces is located in the rear of the site, which adequately limits visibility and efficiently maintains the historic character of the Historic District. The fuel and pump stations are located within the parking area also to the rear of the building. The proposed location allows for safe circulation within the parking areas.

The location of open space is adequate, safe, and efficient when combined with Site Plan Amendment #82007022C. The Site Plan shows open space on the periphery of the parking area, which provides adequate setbacks from adjacent uses and allows room for efficient landscape screening and stormwater management facilities. The Site Plan also shows an area of open space, referred to as Outlot A, Block EE, on the northeast quadrant of Clarksburg Square Road and MD355.

The landscaping and lighting is adequate, safe, and efficient with combined with Site Plan Amendment #82007022C. A hierarchy of plant material including shade trees, ornamental trees and shrubs adequately provides shade, interest and screening for the parking areas. Street trees line both sides of Clarksburg Square Road and the Subject Property's frontage along MD355. Foundation plantings in the front of the historic house provide interest and scale. Interior lighting will create enough visibility to provide safety in the parking area but not so much as to cause glare on the adjacent roads or properties.

There are no recreation facilities required for this Site Plan, but picnic tables and bicycle facilities are provided between the historic houses and the parking area. The picnic tables will be moved closer to the existing Clarksburg Market building to efficiently serve as outdoor seating for that use.

The pedestrian and vehicular circulation systems are adequate, safe, and efficient when combined with the Clarksridge Road driveway approach and associated sidewalks in Site Plan Amendment #82007022C. Sidewalks are provided along Clarksburg Square Road and MD355, which adequately and efficiently integrates this project into the surrounding area. The sidewalks have different treatments including 1) concrete with brick edging, 2) solid brick pavers using soldier course and herringbone patterns and 3) concrete only, which reinforces the organic character of the Historic District and the pedestrian orientation in the area. Internal sidewalks connect the parking areas to the building access points. This Site Plan enables a major vehicular connection between the future Clarksburg Town Center and MD355 at the Historic District. This connection recommended in the Master Plan creates adequate capacity in the area for future

development and efficient vehicular circulation. Within the site, vehicular circulation is limited to the parking area with two access points, one off Clarksburg Square Road and the other off Clarksridge Road immediately to the east of the Subject Property. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation.

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

The relocated historic house with associated retail use, the new parking area and the extension of Clarksburg Square Road to Frederick Road (MD355) are compatible with other uses and other site plans and with existing and proposed adjacent development. Because this site is located in the Clarksburg Historic District, it requires that compatibility be further established with the historic character of the area. The relocation of the historic building by approximately 63 feet to the south, while maintaining the existing front building setbacks and locating the parking in the rear, is compatible with existing development, historic character of the area, and the master-planned extension of Clarksburg Square Road. In addition, the Site Plan is compatible with existing development and historic character of the area by showing various sidewalk treatments within a small area, and selecting site furnishings, including light fixtures and bicycle racks, with a historic character.

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

A Forest Conservation Plan Exemption (42015229E) was confirmed for Parcels 176 and 203 under Section 22A-5(s)(2) of the Forest Conservation Law as described in Section 2 of this Staff Report. Parcels 176 and 203 are subject to the SPA Preliminary/Final Water Quality Plan conditionally approved by a MCDPS letter dated February 27, 2014, and as approved by the Planning Board with Preliminary Plan No. 120140060.

**SECTION 4,
SITE PLAN AMENDMENT #82007022C FOR CLARKSBURG TOWN
CENTER
RECOMMENDATIONS & CONDITIONS**

Staff recommends approval of Site Plan 82007022C. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.²

Conformance with Previous Approvals & Agreements

1. Project Plan Conformance
The Applicant must comply with the conditions of approval for Project Plan No. 91994004C as listed in MCPB Resolution No. 10-58 dated June 15, 2010 including any subsequent amendments.
2. Preliminary Plan Conformance
The Applicant must comply with the conditions of approval for Preliminary Plan No. 11995042A as listed in MCPB Resolution No. 08-163 dated December 11, 2008, including any subsequent amendments.

Environment

3. Forest Conservation & Tree Save
The Applicant must comply with the conditions of the approved Final Forest Conservation Plan and/or Tree Save Plan dated November 16, 2010.
 - a) The development must comply with the conditions of the approved Final Forest Conservation Plan (FCP) #820070220.
4. Water Quality
The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services ("MCDPS") Preliminary/Final Water Quality Plan approval letter dated February 27, 2014.

Public Use Space, Facilities and Amenities

5. Landscaping
 - a) Before issuance of the any Use and Occupancy Certificate, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, and pedestrian system and picnic/seating areas must be installed.

² For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

- b) The Applicant must install the landscaping no later than the next growing season after completion of site work.

6. Lighting

- a) Before issuance of the any building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for commercial development.
- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on proposed fixtures causing potential glare or excess illumination.
- d) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e) The light pole height must not exceed 12 feet as illustrated on the Certified Site Plan.

7. Site Plan Surety and Maintenance Agreement

Before issuance of the any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board. The Agreement must include a performance bond(s) or other form of surety with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of the any building permit within each relevant phase of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each phase.

8. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

9. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the final forest conservation approval letter, stormwater management concept approval letter, development program, and Site Plan Amendment #82007022C resolution, Site Plan #820140050 resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."

- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

SITE PLAN AMENDMENT #82007022C ANALYSIS AND FINDINGS

FINDINGS

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

The Subject Property in Clarksburg Town Center conforms with Project Plan 91994004C.

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

The Subject Property in Clarksburg Town Center is zoned RMX-2. The commercial use including a food and beverage store within the historic building are permitted in the C-1 Zone, and off-street parking in connection with commercial uses is permitted in the R-200 Zone.

The following data table indicates the Site Plan compliance with all development standards of the zones.

Table 4: Project Data Table

Development Standard	Zoning Ordinance Permitted/Required	Proposed for Approval
Site Area (acres)		
Gross Tract Area (GTA) RMX-2 Zone Parcel A, Block HH	n/a	<u>0.21 acres</u> 0.21 acres
Road Dedication	n/a	n/a
Net Area	n/a	0.21
Density (SF)		
▪ Ex. Commercial Building area	n/a	n/a
▪ Ex. historic house area (convert to commercial use)	n/a	n/a
▪ Total Ex. and proposed Commercial Building Area	n/a	n/a
Min. Building Setbacks (feet)		
Street ROW (59-C-4.343(a)(1))	10	n/a
Side (59-C-4.343(b)(3))	10	n/a
Rear (59-C-4.343(b)(2))	0	n/a
Max. Lot Coverage (acres)		
	n/a	n/a
Max. Building Height (feet)		
(59-C-4.342)	n/a	n/a
Min. Green Area		
(% of GTA) (59-C-4.344)	15% (0.03 acres)	67% (0.14 acres)
Vehicle Parking Spaces (59-E)		
Total parking	0	3.5 (in conjunction with Site Plan #820140050)
Min. Parking Setbacks (feet)		
Street ROW (59-E-2.71)	10	14
Bicycle Parking Spaces (59-E)		
	n/a	n/a

* Per Section 59-A-6.23, the Planning Board may reduce the setback requirements for a main building for the purpose of maintaining the historic development and building patterns throughout the historic district.

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

There are no buildings within the Site Plan Amendment. A parking area with approximately 3.5 spaces is proposed in conjunction with Site Plan No 820140050 in order to meet requirements

of the Zoning Ordinance shown in Table 5. The fuel and pump stations are located within the parking area to the rear of the building. The proposed location allows for safe circulation within the parking areas.

The location of open space is adequate, safe, and efficient when combined with Site Plan #820140050. The Site Plan Amendment shows open space on the periphery of the parking area, which provides adequate setbacks from adjacent uses and allows room for efficient landscape screening and stormwater management facilities.

The landscaping and lighting is adequate, safe, and efficient. A hierarchy of plant material including shade trees, ornamental trees and shrubs adequately provides shade, interest and screening for the parking areas. Street trees line both sides of Clarksburg Square Road. Interior lighting will create enough visibility to provide safety in the parking area but not so much as to cause glare on the adjacent roads or properties.

The pedestrian and vehicular circulation systems are adequate, safe, and efficient. Sidewalks are provided along Clarksburg Square Road and MD355, which adequately and efficiently integrates this project into the surrounding area. This Site Plan enables a major vehicular connection between the future Clarksburg Town Center and MD355 at the Historic District. This connection recommended in the Master Plan creates adequate capacity in the area for future development and efficient vehicular circulation. Within the site, vehicular circulation is limited to the parking area with two access points, one off Clarksburg Square Road and the other off Clarksridge Road immediately to the east of the Subject Property. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation.

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

There are no structures located within this Site Plan Amendment. The proposed parking lot, driveway approach, and stormwater management features which support Site Plan #820140050 are compatible with other uses, site plans, and with existing and proposed adjacent development.

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

The Subject Property in Clarksburg Town Center is in compliance with the approved FCP for the Clarksburg Town Center (820070220) (Attachment 6). The Clarksburg Town Center plan amendment application (82007022C) includes confirmation that all existing vegetation on the Subject Property in Clarksburg Town Center is approved to be cleared, as indicated by the Limits of Disturbance (LOD) at the edges of the property. The Application demonstrates that the proposed construction for Clarksburg Square Road extension will not alter this approved LOD. A variance for tree removal is not required because all vegetation was approved to be removed prior to the enactment of the tree variance provision. The Applicant has confirmed compliance with the approved FCP 820070220 by demonstrating that the LOD will not change from the approved FCP. The Subject Property in Clarksburg Town Center is subject to the SPA Preliminary/Final Water Quality Plan conditionally approved by a MCDPS letter dated February 27, 2014, and as approved by the Planning Board with Preliminary Plan No. 120140060.

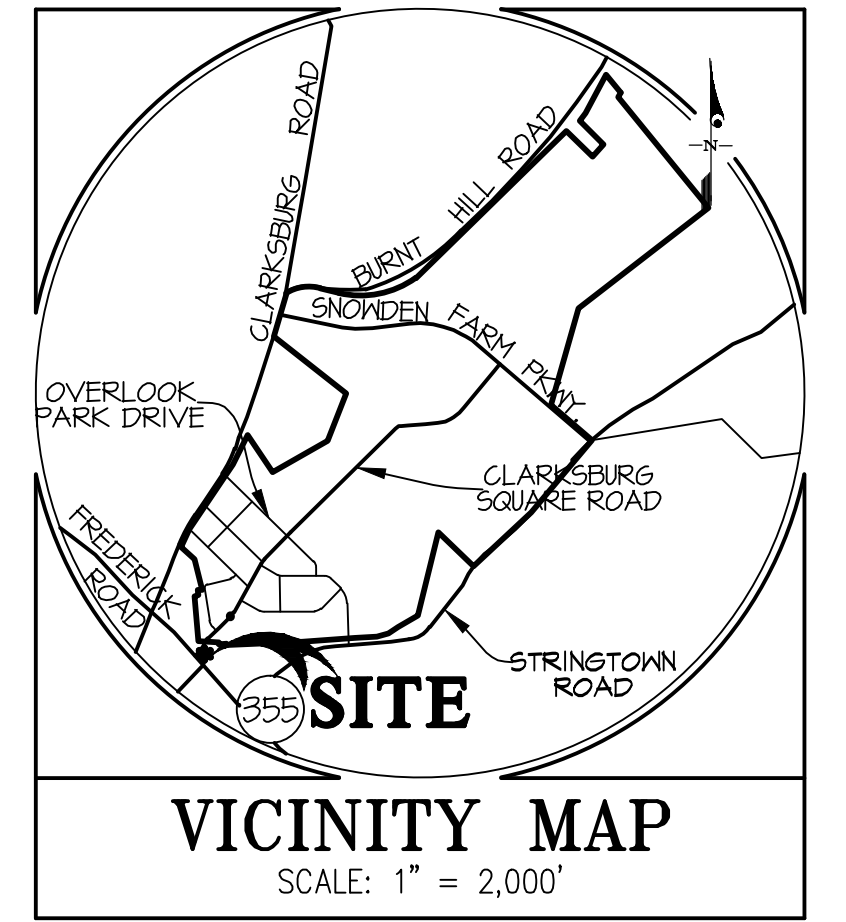
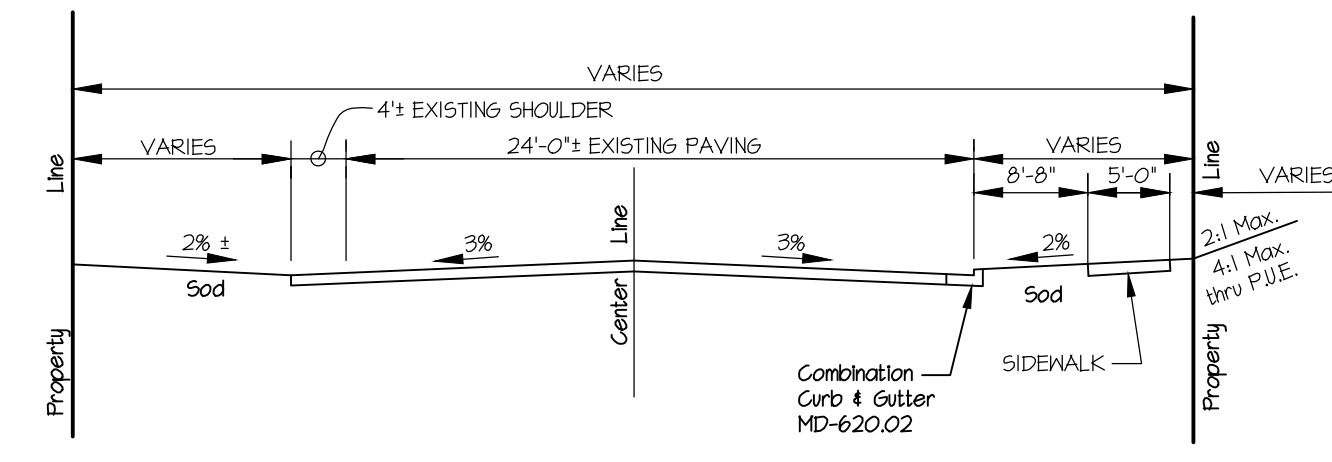
SECTION 5, APPLICATION CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. The Application substantially conforms to the recommendations of the *1994 Clarksburg Master Plan & Hyattstown Special Study Area, 2011 Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area to Allow an Exception to the Retail Staging Provisions*, and *2014 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, staff recommends approval of the Preliminary Plan, Site Plan, Site Plan Amendment, and SPA Preliminary/Final Water Quality Plan with the conditions specified above.

Attachments

- Attachment 1 – Preliminary Plan No. 120140060
- Attachment 2 – Site Plan No. 820140050
- Attachment 3 – Landscape Plan No. 820140050
- Attachment 4 – Site Plan Amendment No. 82007022C
- Attachment 5 – Landscape Plan No. 82007022C
- Attachment 6 – Forest Conservation Plan of Compliance Letter No. 820070220
- Attachment 7 – Forest Conservation Exemption Confirmation Letter No. 42015229E
- Attachment 8 – MCDPS Preliminary/Final Water Quality Plan Approval Memo
- Attachment 9 – Impervious Surface Exhibit
- Attachment 10 – MCFS Approval
- Attachment 11 – MCFS Fire Access Plan
- Attachment 12 – MCFS Traffic Order Approval
- Attachment 13 – MCDOT Approval
- Attachment 14 – SHA Approval

Attachment 1



48 Hours Before You Dig Call

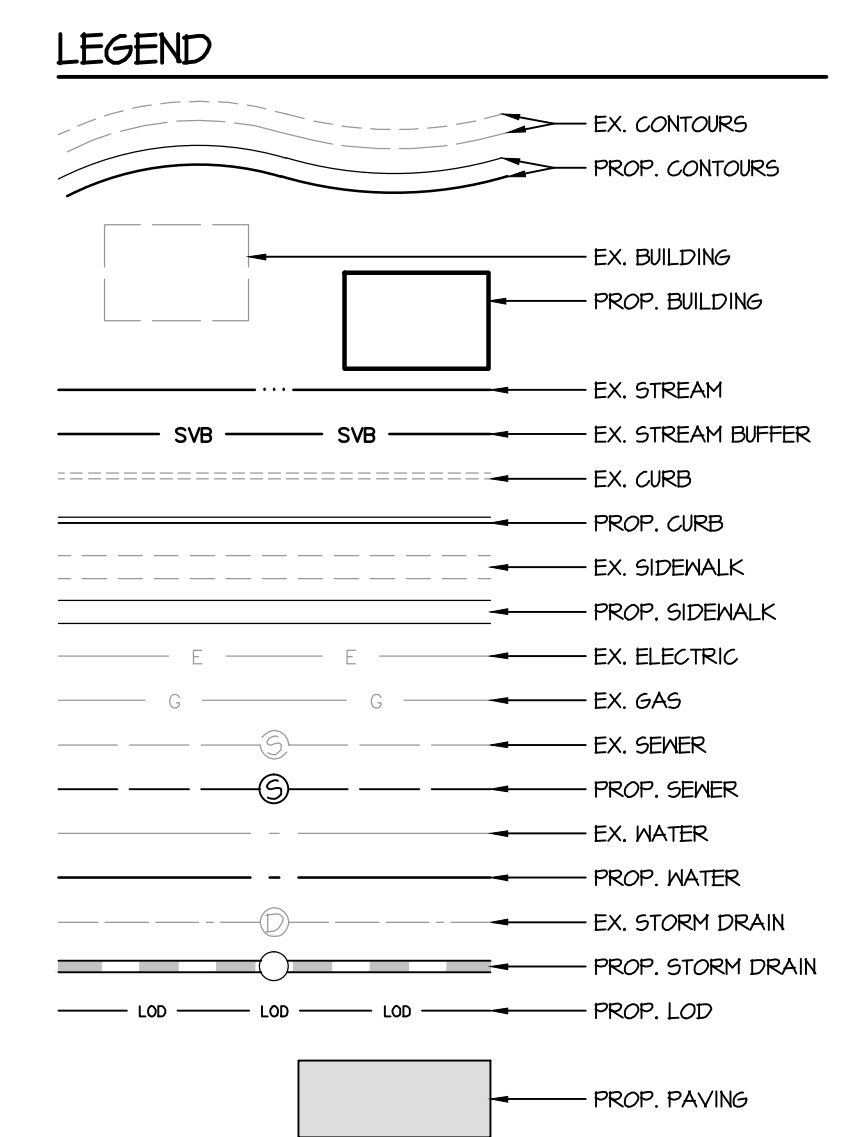
"MISS UTILITY" Service Protection Center

MEMBER ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE 1-800-257-7777

EXISTING UTILITY NOTES

- For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
- Information concerning underground utilities was obtained from available records. The contractor must determine the exact locations and elevations of the utilities by digging test pits by hand at all utility crossings well in advance of trenching. If clearances are less than specified on this plan or less than 12 inches when not specified, contact the Engineer, and the owner of the other involved utility before proceeding with construction.
- For field location of gas line services, notify Washington Gas Light Co., 703-750-1000, 48 hours prior to the start of any excavation or construction.
- Omissions and/or additions of utilities found during construction shall be the sole responsibility of any contractor engaged in excavation at this site. Gutschick, Little & Weber, P.A., shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
- Due to the proximity of live underground and overhead utilities, we are not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.



SITE DATA

EXISTING ZONING:	C-1, R-200
SITE AREA:	0.83 Acres
SITE AREA PER ZONE:	
C-1 ZONE PARCEL 203	0.01 Acres
C-1 ZONE PARCEL 176	0.65 Acres
R-200 ZONE PARCEL 176	0.17 Acres
TOTAL ROAD DEDICATION:	0.14 Acres
EX. COMMERCIAL BUILDING AREA:	1510 SF
EX. HISTORIC HOUSE AREA:	2652 SF
(CONVERT TO COMMERCIAL USE)	
PROP. COMMERCIAL BUILDING AREA:	4162 SF

ZONING STANDARDS

C-1 ZONE	ALLOWED	PROPOSED
GREEN AREA (10% MIN)	0.01 AC.	0.33 AC. (50%)
BUILDING SETBACKS		
FROM RIGHT-OF-WAY ("MAIN STREET")	0 FEET	0 FEET
FROM ANY OTHER LOT LINE	10 FEET	10 FEET
BUILDING HEIGHT:	30 FEET MAX.	30 FEET
LOT COVERAGE (35% MAX)	0.23 AC.	0.01 AC. (1%)

*** PARKING REQUIREMENTS**

	CLARKSBURG MARKET	HISTORIC HOUSE
RETAIL USE (1510 sf x 5 sp. / 1,000 sf)	8 SPACES	14 SPACES
OUTDOOR SEATING (240 sf x 15 sp. / 1,000 sf)	4 SPACES	26 SPACES
TOTAL PARKING	12 SPACES	40 SPACES

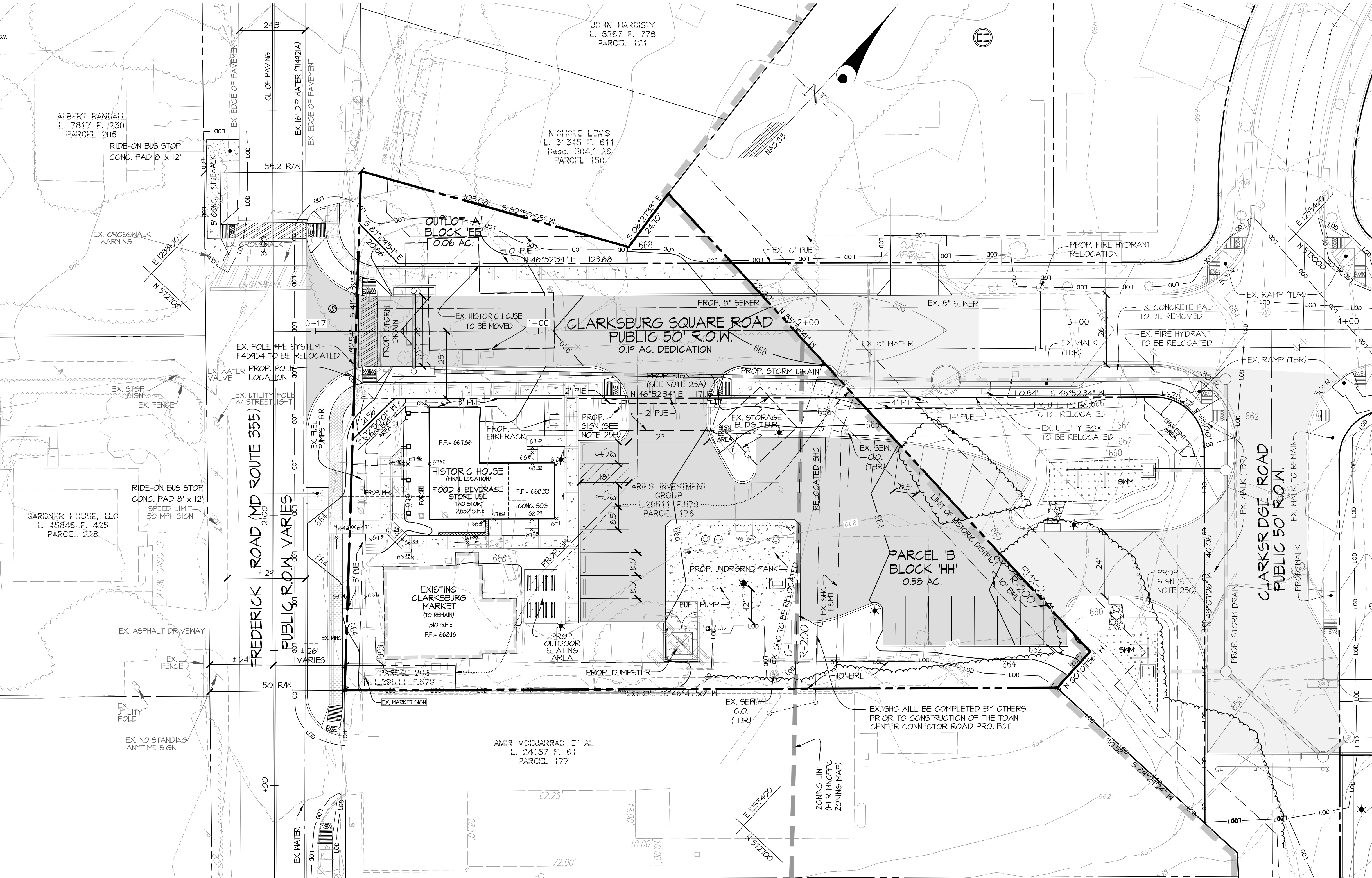
PARKING REQUIREMENTS - C-1 ZONE (SEC 54-E-2.11 AND 2.12)

PARKING SETBACK FROM R/W	10 FEET MIN.	16 FEET
PARKING SETBACK FROM ADJ. PROPERTY	4 FEET MIN.	12 FEET

PARKING REQUIREMENTS - R-200 ZONE (SEC 54-E-2.8 AND 54-G-1.323)

PARKING SETBACK FROM R/W	10 FEET	14 FEET
PARKING SETBACK FROM ADJ. PROPERTY	12 FEET	15 FEET
	25 FEET BOTH SIDES	

* SEE SECTION 54-A-6.22, PARKING IN CONJUNCTION WITH HISTORIC DISTRICTS.



GENERAL NOTES

- OWNER: c/o MR. AJAY PATEL, ARIES INVESTMENT GROUP, 23835 FREDERICK ROAD, CLARKSBURG, MD 20811
- APPLICANTS: THIRD TRY, L.C., c/o ELM STREET DEVELOPMENT, 1355 BEVERLY ROAD, SUITE 240, McLEAN, VA 22101; MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION, 100 EDISON PARK DRIVE, 4TH FLOOR, GAITHERSBURG, MD 20878
- BOUNDARY SURVEY BY: GUTSCHICK, LITTLE & WEBER, P.A., 2008
- AERIAL TOPOGRAPHY BY: MCKENZIE - SNYDER, GUTSCHICK, LITTLE & WEBER, P.A.
- NRI BY: GUTSCHICK, LITTLE & WEBER, P.A., No. 420140210 APPROVED: OCT. 2, 2013
- WETLAND DELINEATION BY: N/A
- TRAFFIC STUDY BY: KIMLEY-HORNE & ASSOCIATES, P.A.
- STORMWATER CONCEPT BY: GUTSCHICK, LITTLE & WEBER, P.A., No. 241816; UNDER REVIEW
- WATERSHED: LITTLE SENECA CREEK; USE CLASS: CLASS IV
- DEVELOPMENT PROGRAM: THIS DEVELOPMENT WILL BE COMPLETED IN ONE PHASE
- PROPOSED WATER AND SEWER SERVICE WILL BE PUBLIC. THE EXISTING WATER AND SEWER CATEGORIES ARE W-3 & S-3
- THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES ON SITE.
- THE ENTIRE PROPERTY IS WITHIN THE CLARKSBURG HISTORIC DISTRICT
- THERE IS NO FLOODPLAIN ON SITE.
- THERE ARE NO KNOWN TREES ON THE SUBJECT PROPERTY THAT ARE COUNTY AND/OR STATE CHAMPION TREES. THERE ARE NO TREES ON THE PROPERTY THAT HAVE A DBH OF 15% OR MORE OF THE DBH OF THE CURRENT COUNTY AND/OR STATE CHAMPION TREE.
- ALL UTILITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE. SEE APPROPRIATE APPROVED UTILITY DRAWINGS. (ALLEGHENY ELEC., VERIZON, COMCAST & WASHINGTON GAS).
- UTILITY COMPANIES: GAS - WASHINGTON GAS ELECTRIC - POTOMAC EDISON ELECTRIC; WATER & SEWER - WASHINGTON SUBURBAN SANITARY COMMISSION; TELEPHONE - VERIZON; CABLE - COMCAST
- THE BUILDING FOOTPRINTS SHOWN INCLUDING A/C UNITS, DRIVEWAYS, AND LEAD WALKS ON THE SITE PLAN ARE ILLUSTRATIVE. FINAL BUILDING LOCATIONS WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS. PLEASE REFER TO THE ZONING DATA TABLE FOR DEVELOPMENT STANDARDS SUCH AS SETBACKS, BUILDING RESTRICTION LINES AND LOT COVERAGE FOR EACH LOT. OTHER LIMITATIONS FOR SITE DEVELOPMENT MAY ALSO BE INCLUDED IN THE CONDITIONS OF THE PLANNING BOARD'S APPROVAL.
- FINAL LOCATION OF STREET TREES & STREET LIGHTS IN THE R.O.W. WILL BE REVIEWED BY DPS R.O.W. SECTION.
- ALL ITEMS IN SHM FACILITIES WILL BE REVIEWED AND INSPECTED BY DPS WATER RESOURCE SECTION.
- RECOMMENDATIONS FOR ELEMENTS WITHIN THE RIGHT-OF-WAY ASSOCIATED WITH THE PUBLIC ROAD IMPROVEMENT ARE NON-BINDING AND ARE INCLUDED FOR ADVISORY PURPOSES ONLY IN ACCORDANCE WITH THE MANDATORY REFERRAL PROCESS. RECOMMENDATIONS PERTAINING TO ELEMENTS ON THE SUBJECT SITE ARE BINDING AND SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS MODIFIED BY THE PLANNING BOARD THROUGH A SITE PLAN AMENDMENT.
- ALL FEATURES SHOWN IN PUBLIC RIGHT-OF-WAY ARE SHOWN FOR GRAPHIC PURPOSES ONLY AND MAY BE SUBJECT TO CHANGE BASED ON THE PLAN AND PERMIT REVIEW BY MCDPS, HCDOT AND/OR HSHA.
- CLARKSBURG SQUARE ROAD TO BE CONSTRUCTED IN CONFORMANCE WITH STANDARD MC-210.02 AS MODIFIED TO PROVIDE 5' SIDEWALKS ON BOTH SIDES FROM FREDERICK ROAD TO STATION 1+24. ON STREET PARKING PROVIDED FROM STATION 2+08.6 TO STATION 3+08.6. CONTRACTOR TO USE MC STD DETAIL FOR INTERSECTION CHOKERS (GUIDELINE) FOR CONSTRUCTION OF ON STREET PARKING CURB.
- SIGNAGE NOTES: A. PROPOSED SIGN SHALL STATE "TRACTOR TRAILERS LEFT TURN ONLY"; B. PROPOSED SIGN SHALL STATE "NO TRACTOR TRAILERS TO ENTER AT THIS ENTRANCE"; C. PROPOSED SIGN SHALL STATE "NOT A TRAILER TRACTOR EXIT"

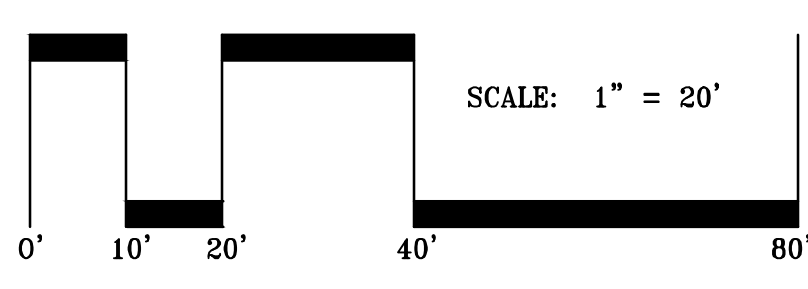
PROFESSIONAL CERTIFICATION

I hereby certify that to the best of my knowledge, information and the belief that the plan shown hereon is true and correct; has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland; and the boundary has been field surveyed. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No.: 12464
Expiration Date: May 28, 2017

Date: _____ By: David L. Little
Professional Engineer
Gutschick, Little & Weber, P.A.

GLWGUTSCHICK LITTLE & WEBER, PA.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3809 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866
TEL: 301-421-4024 FAX: 410-880-1020 DC/VA: 301-889-2524 FAX: 301-421-4186



PREPARED FOR: MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION, 100 EDISON PARK DRIVE, 4TH FLOOR, GAITHERSBURG, MARYLAND 20878

PREPARED FOR: THIRD TRY, L.C., c/o ELM STREET DEVELOPMENT, 1355 BEVERLY ROAD, SUITE 240, McLEAN, VIRGINIA 22101, ATTN: KATHRYN L. KUBIT, 703-734-9730

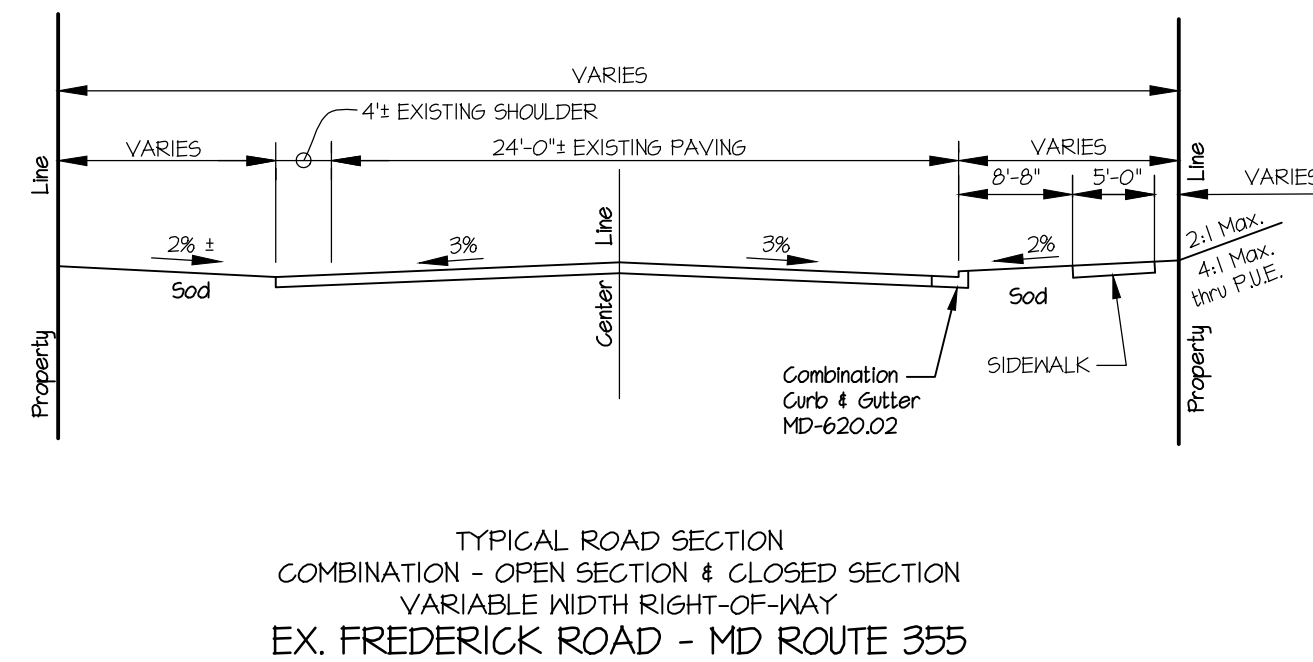
SCALE	ZONING
1"=20'	C-1, R-200
DATE	TAX MAP - GRID
OCT, 2013	EW-42

PRELIMINARY PLAN

CLARKSBURG TOWN CENTER
CLARKSBURG SQUARE ROAD EXTENSION
Parcel 203 & Parcel 176
PROPERTY OF: ARIES INVESTMENT GROUP
L. 2511 F. 579

G. L. W. FILE NO. 13042
SHEET 1 OF 1
CLARKSBURG ELECTION DISTRICT No. 02 MONTGOMERY COUNTY, MARYLAND

Attachment 2



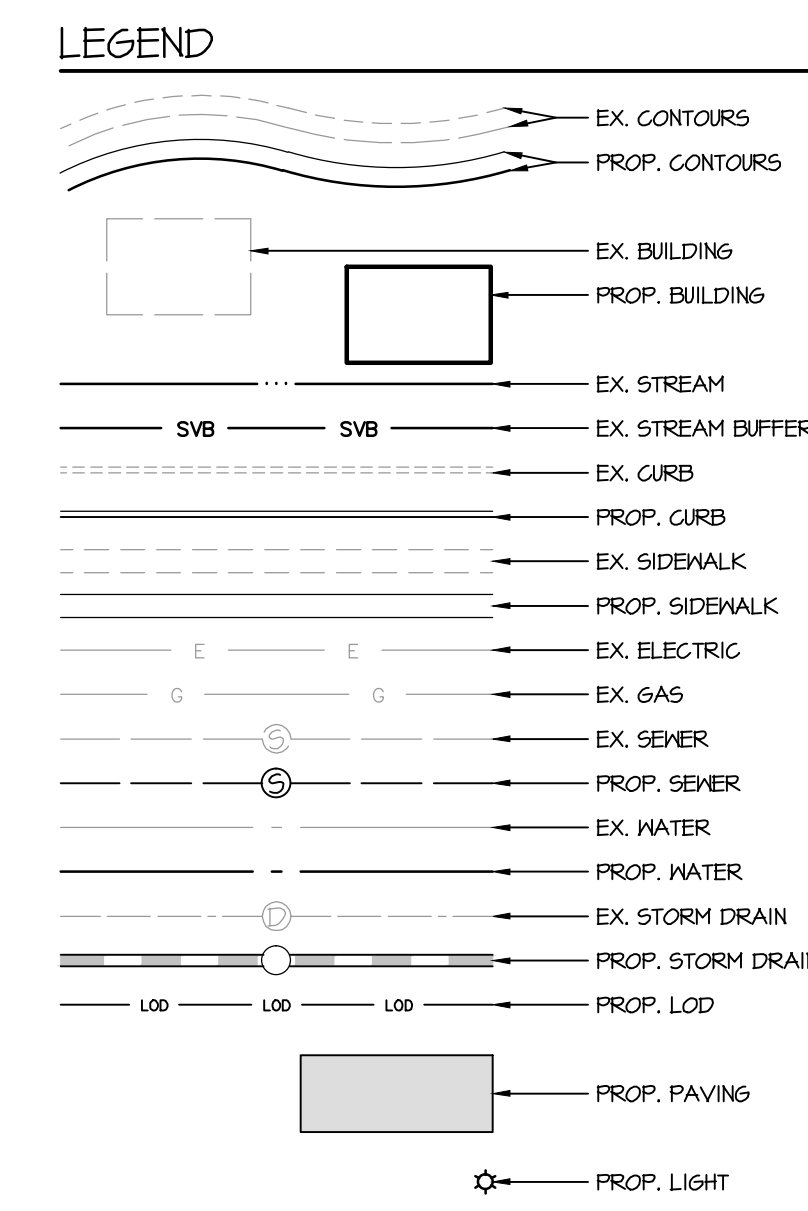
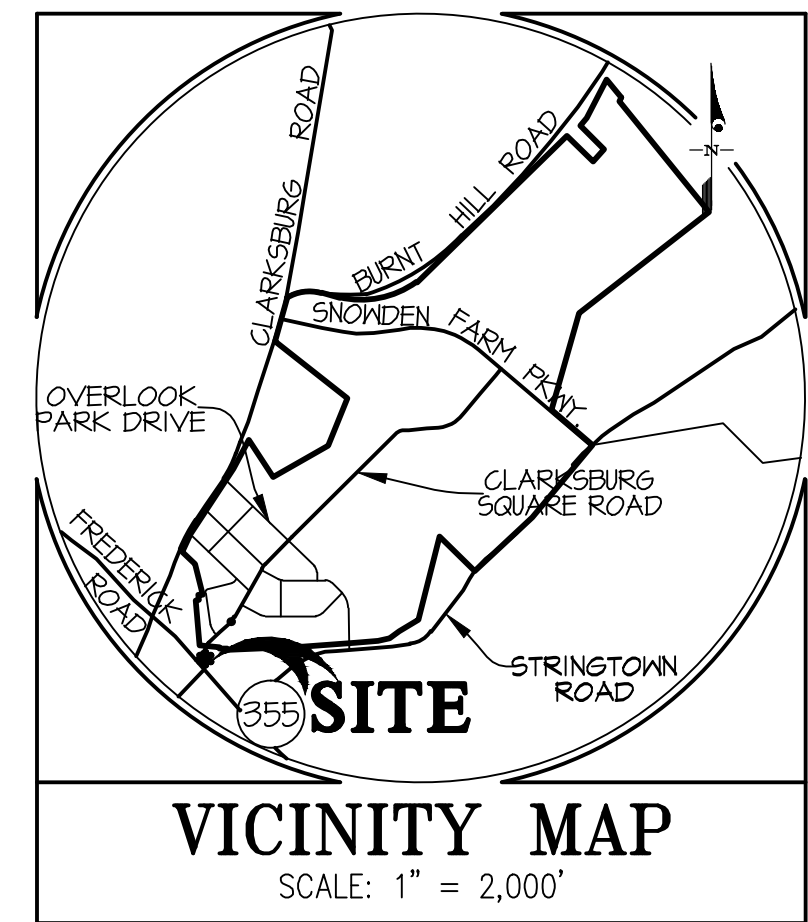
GENERAL NOTES

- OWNER: C/O MR. AJAY PATEL, ARIES INVESTMENT GROUP, 23335 FREDERICK ROAD, CLARKSBURG, MD 20871.
- APPLICANTS: THIRD TRY, L.C., C/O ELM STREET DEVELOPMENT, 1355 BEVERLY ROAD, SUITE 240, MCLEAN, VA 22101.
- BOUNDARY SURVEY BY: GUTSCHICK, LITTLE & WEBER, P.A., 2008.
- AERIAL TOPOGRAPHY BY: FIELD VERIFIED BY: GUTSCHICK, LITTLE & WEBER, P.A.
- NRI BY: GUTSCHICK, LITTLE & WEBER, P.A., No. 420140210; APPROVED: OCT. 2, 2013.
- NETLAND DELINEATION BY: N/A.
- TRAFFIC STUDY BY: GUTSCHICK, LITTLE & WEBER, P.A., No. 241876; UNDER REVIEW.
- STORMWATER CONCEPT BY: GUTSCHICK, LITTLE & WEBER, P.A., No. 120140060; UNDER REVIEW.
- PRELIMINARY PLAN BY: GUTSCHICK, LITTLE & WEBER, P.A., No. 120140060; UNDER REVIEW.
- WATERSHED: USE CLASS: LITTLE SENECA CREEK CLASS IV, SPECIAL PROTECTION AREA.
- DEVELOPMENT PROGRAM: THIS DEVELOPMENT WILL BE COMPLETED IN ONE PHASE.
- PROPOSED WATER AND SEWER SERVICE WILL BE PUBLIC. THE EXISTING WATER AND SEWER CATEGORIES ARE W-3 & S-3.
- THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES ON SITE.
- A PORTION OF THE PROPERTY IS WITHIN THE CLARKSBURG HISTORIC DISTRICT.
- THERE IS NO FLOODPLAIN ON SITE.
- THERE ARE NO KNOWN TREES ON THE SUBJECT PROPERTY THAT ARE COUNTY AND/OR STATE CHAMPION TREES. THERE ARE NO TREES ON THE PROPERTY THAT HAVE A DBH OF 75% OR MORE OF THE DBH OF THE CURRENT COUNTY AND/OR STATE CHAMPION TREE.
- ALL UTILITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE. SEE APPROPRIATE APPROVED UTILITY DRAWINGS (POTOMAC EDISON ELEC., VERIZON, COMCAST & WASHINGTON GAS).
- UTILITY COMPANIES: GAS - WASHINGTON GAS ELECTRIC - POTOMAC EDISON ELECTRIC; WATER & SEWER - WASHINGTON SUBURBAN SANITARY COMMISSION; TELEPHONE - VERIZON; CABLE - COMCAST.
- THE BUILDING FOOTPRINTS SHOWN INCLUDING A/C UNITS, DRIVEWAYS, AND LEAD WALKS ON THE SITE PLAN ARE ILLUSTRATIVE. FINAL BUILDING LOCATIONS WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS. PLEASE REFER TO THE ZONING DATA TABLE FOR DEVELOPMENT STANDARDS SUCH AS SETBACKS, BUILDING RESTRICTION LINES AND LOT COVERAGE FOR EACH LOT. OTHER LIMITATIONS FOR SITE DEVELOPMENT MAY ALSO BE INCLUDED IN THE CONDITIONS OF THE PLANNING BOARD'S APPROVAL.
- FINAL LOCATION OF STREET TREES & STREET LIGHTS IN THE R.O.W. WILL BE REVIEWED BY DPS R.O.W. SECTION.
- ALL ITEMS IN SWM FACILITIES WILL BE REVIEWED AND INSPECTED BY DPS WATER RESOURCE SECTION.
- RECOMMENDATIONS FOR ELEMENTS WITHIN THE RIGHT-OF-WAY ASSOCIATED WITH THE PUBLIC ROAD IMPROVEMENT ARE NON-BINDING AND ARE INCLUDED FOR ADVISORY PURPOSES ONLY. RECOMMENDATIONS PERTAINING TO ELEMENTS ON THE SUBJECT SITE ARE BINDING AND SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS MODIFIED BY THE PLANNING BOARD THROUGH A SITE PLAN AMENDMENT.
- ALL FEATURES SHOWN IN PUBLIC RIGHT-OF-WAY ARE SHOWN FOR GRAPHIC PURPOSES ONLY AND MAY BE SUBJECT TO CHANGE BASED ON THE PLAN AND PERMIT REVIEW BY MCDPS, MCDOT AND/OR MSHA.
- ARIES WILL CONTINUE TO OPERATE THE EXISTING FOOD AND BEVERAGE STORE DURING CONSTRUCTION OF THE ROAD AND INFRASTRUCTURE ON ARIES PROPERTY. DEVELOPER WILL USE COMMERCIAL REASONABLE EFFORTS TO MINIMIZE IMPACT OF CONSTRUCTION ON ARIES FOOD AND BEVERAGE STORE. CONSTRUCTION ON PROPERTY SHALL BE PHASED TO PROVIDE ACCESS TO THE FOOD AND BEVERAGE STORE AT ALL TIMES UNLESS OTHERWISE EXPRESSLY AGREED TO BY DOT AND ARIES.
- FINAL PRICE SIGN LOCATION TO BE WITHIN SIGN EASEMENT AS DETERMINED BY OWNER. IF THE SIGN IS LOCATED WITHIN THE SIGN EASEMENT, NO PLAN AMENDMENT WILL BE REQUIRED.
- ALL SIDEWALKS AND HANDICAP RAMPS WILL BE ADA COMPLIANT.
- CLARKSBURG SQUARE ROAD TO BE CONSTRUCTED IN CONFORMANCE WITH STANDARD MC-210.02 AS MODIFIED TO PROVIDE 5' SIDEWALKS ON BOTH SIDES FROM FREDERICK ROAD TO STATION 1+24. ON STREET PARKING PROVIDED FROM STATION 2+08.6 TO STATION 3+08.6. CONTRACTOR TO USE MC STD DETAIL FOR INTERSECTION CHOKERS (GUIDELINE) FOR CONSTRUCTION OF ON STREET PARKING CURB.
- THE HISTORIC HOUSE WILL BE MOVED TO A TEMPORARY ON-SITE LOCATION WITHIN THE PROPOSED LIMIT OF CONSTRUCTION. THE TEMPORARY HOUSE LOCATION WILL BE DETERMINED BY THE MCDOT INSPECTOR AND THE CONTRACTOR, AND THE CONTRACTOR.

- ### SIGN NOTES
- PROPOSED SIGN SHALL STATE "TRACTOR TRAILERS LEFT TURN ONLY"
 - PROPOSED SIGN SHALL STATE "NO TRACTOR TRAILERS TO ENTER AT THIS ENTRANCE"
 - PROPOSED SIGN SHALL STATE "NOT A TRACTOR TRAILER EXIT"

- ### EXISTING UTILITY NOTES
- For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
 - Information concerning underground utilities was obtained from available records. The contractor must determine the exact locations and elevations of the utilities by digging test pits by hand at all utility crossings well in advance of trenching. If clearances are less than specified on this plan or less than 12 inches when not specified, contact the Engineer, and the owner of the other involved utility before proceeding with construction.
 - For field location of gas line services, notify Washington Gas Light Co., 703-290-1000, 48 hours prior to the start of any excavation or construction.
 - Omissions and/or additions of utilities found during construction shall be the sole responsibility of any contractor engaged in excavation at this site. Gutschick, Little & Weber, P.A., shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
 - Due to the proximity of live underground and overhead utilities, we are not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.

48 Hours
Before You Dig Call
"MISS UTILITY"
Service Protection Center
MEMBER
ONE CALL SYSTEMS INTERNATIONAL
CALL TOLL FREE
1-800-257-7777



SITE DATA

EXISTING ZONING:	C-1, R-200
SITE AREA:	0.83 Acres
SITE AREA PER ZONE:	
C-1 ZONE PARCEL 203	0.01 Acres
C-1 ZONE PARCEL 116	0.65 Acres
R-200 ZONE PARCEL 116	0.17 Acres
TOTAL ROAD DEDICATION:	0.19 Acres
EX. COMMERCIAL BUILDING AREA:	1510 SF
EX. HISTORIC HOUSE AREA:	2652 SF
(CONVERT TO COMMERCIAL USE)	
PROP. COMMERCIAL BUILDING AREA:	4162 SF

ZONING STANDARDS

	ALLOWED	PROPOSED
C-1 ZONE (0.66 AC.)		
GREEN AREA (10% MIN)	0.01 AC.	0.33 AC. (50%)
BUILDING SETBACKS		
FROM RIGHT-OF-WAY (MAIN STREET*)	0 FEET	0 FEET
FROM ANY OTHER LOT LINE	10 FEET	10 FEET
BUILDING HEIGHT:	30 FEET MAX.	30 FEET
LOT COVERAGE (35% MAX)	0.23 AC.	0.01 AC. (1%)

PARKING REQUIREMENTS

	CLARKSBURG MARKET	HISTORIC HOUSE
RETAIL USE (1510 sf x 5 sp. / 1,000 sf)	8 SPACES	14 SPACES
OUTDOOR SEATING (240 sf x 15 sp. / 1,000 sf)	4 SPACES	14 SPACES
TOTAL PARKING	26 SPACES	26 SPACES

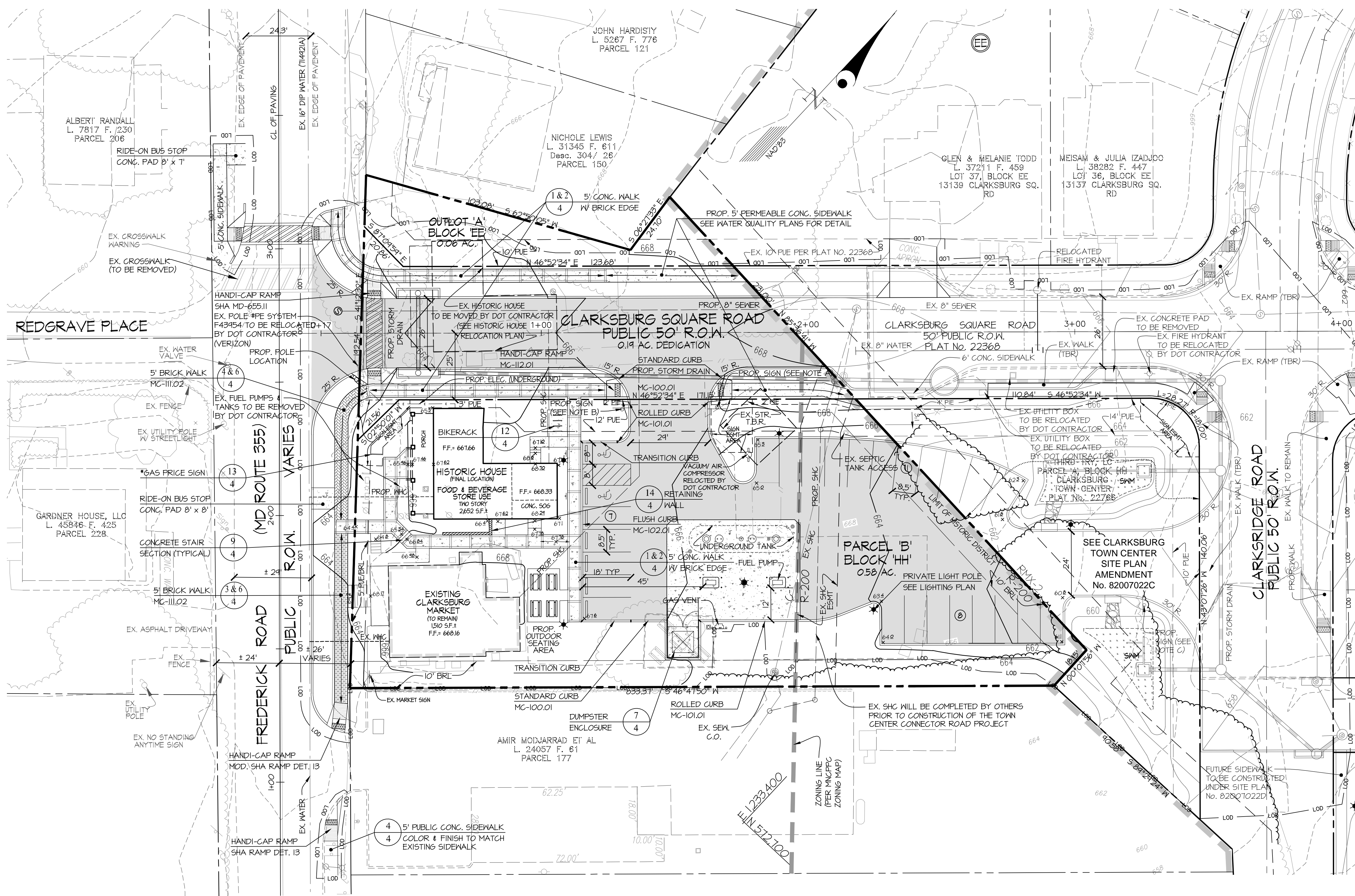
PARKING REQUIREMENTS - C-1 ZONE (SEC. 54-E-2.71 AND 2.72)

PARKING SETBACK FROM R/W	10 FEET MIN.	16 FEET
PARKING SETBACK FROM ADJ. PROPERTY	4 FEET MIN.	12 FEET

PARKING REQUIREMENTS - R-200 ZONE (SEC. 54-E-2.8 AND 54-G-1.323)

PARKING SETBACK FROM R/W	10 FEET	14 FEET
PARKING SETBACK FROM ADJ. PROPERTY	12 FEET	15 FEET
	25 FEET	25 FEET

* SEE SECTION 54-A-6.22, PARKING IN CONJUNCTION WITH HISTORIC DISTRICTS.



PROFESSIONAL CERTIFICATION

THE UNDERSIGNED LICENSED PROFESSIONAL CERTIFIES THAT THE SITE PLANS HEREIN CONFORM TO THE STANDARDS OF THE ZONE, AND THE PLANNING BOARD SITE PLAN OPINION. IN ADDITION, THE SITE PLANS ARE CONSISTENT WITH THE DATA TABLE PROVIDED ON THE COVER SHEET.

Date: Kevin A. Foster, RLA

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Site Plan Approval No. 820140050, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: Third Try, L.C. / c/o Elm Street Development
Kathryn L. Kubit / Contact Person

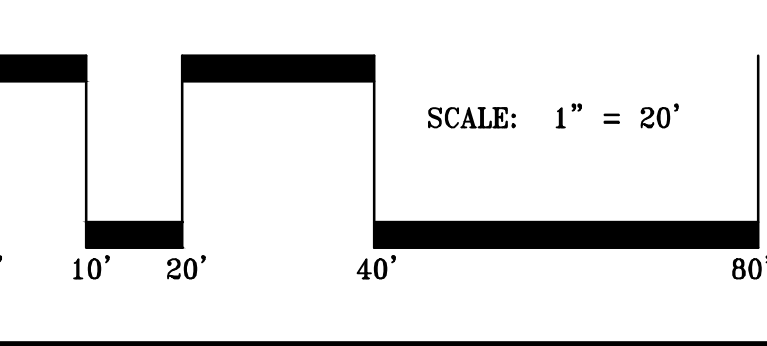
Address: 1355 Beverly Road, Suite 240 / McLean, Virginia 22101

Phone: 703-734-9730

Signature: _____

GLWGUTSCHICK LITTLE & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND, 20866
TEL: 301-421-4024 FAX: 301-421-4186

DATE	REVISION	BY	APPR.



PREPARED FOR:
MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
100 EDISON PARK DRIVE, 4TH FLOOR
GAITHERSBURG, MARYLAND 20878

PREPARED FOR:
THIRD TRY, L.C.
c/o ELM STREET DEVELOPMENT
1355 BEVERLY ROAD, SUITE 240
MCLEAN, VIRGINIA 22101
ATTN: KATHRYN L. KUBIT
703-734-9730

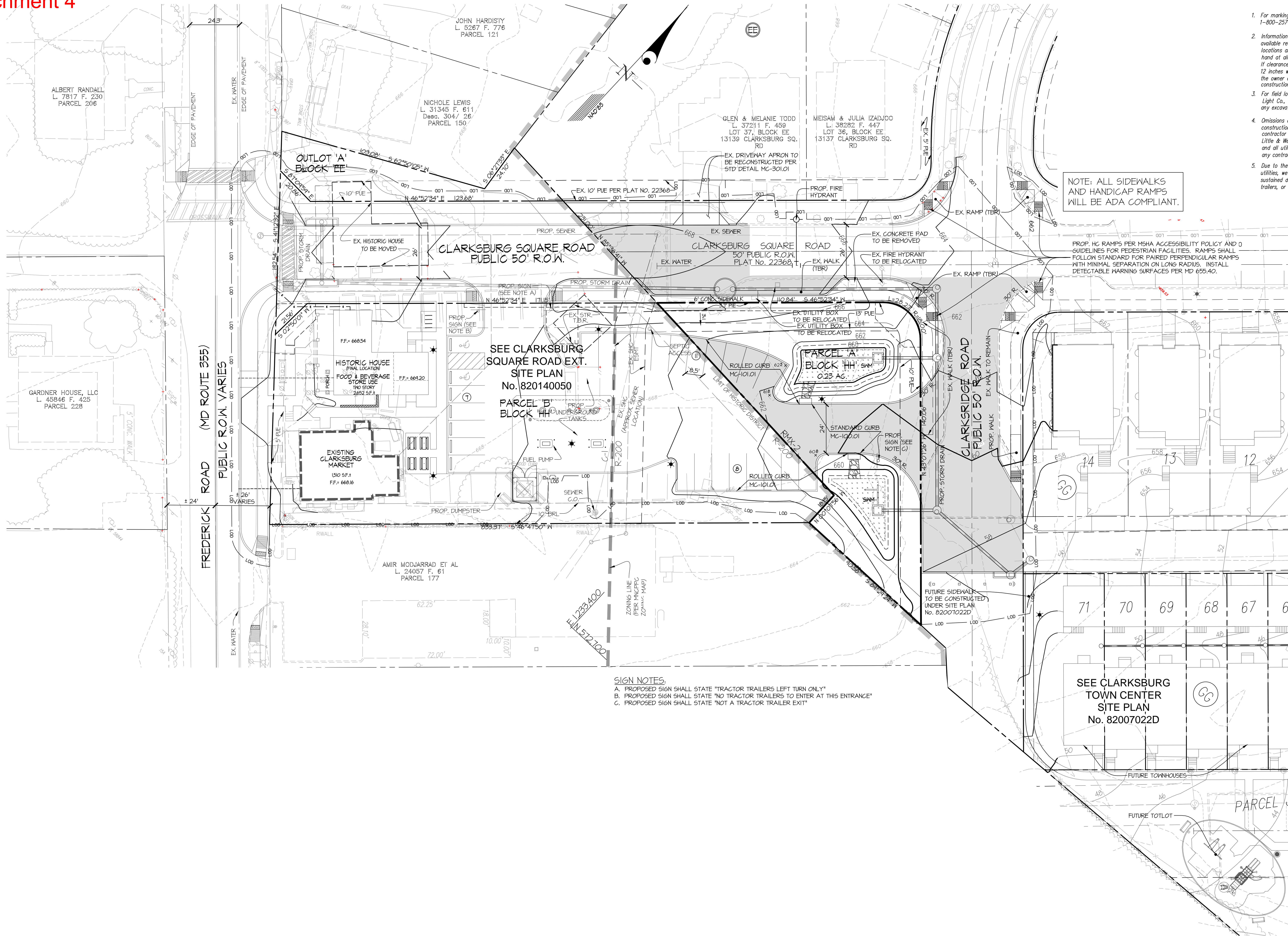
SCALE	1" = 20'
ZONING	C-1, R-200
DATE	OCT, 2013
TAX MAP - GRID	EW-42

SITE PLAN

CLARKSBURG SQUARE ROAD EXTENSION
CLARKSBURG TOWN CENTER
PARCEL 'J' BLOCK 'EE' & PARCEL 'B' BLOCK 'HH'
PROPERTY OF ARIES INVESTMENT GROUP
L. 2511 F. 379

CLARKSBURG ELECTION DISTRICT No. 02

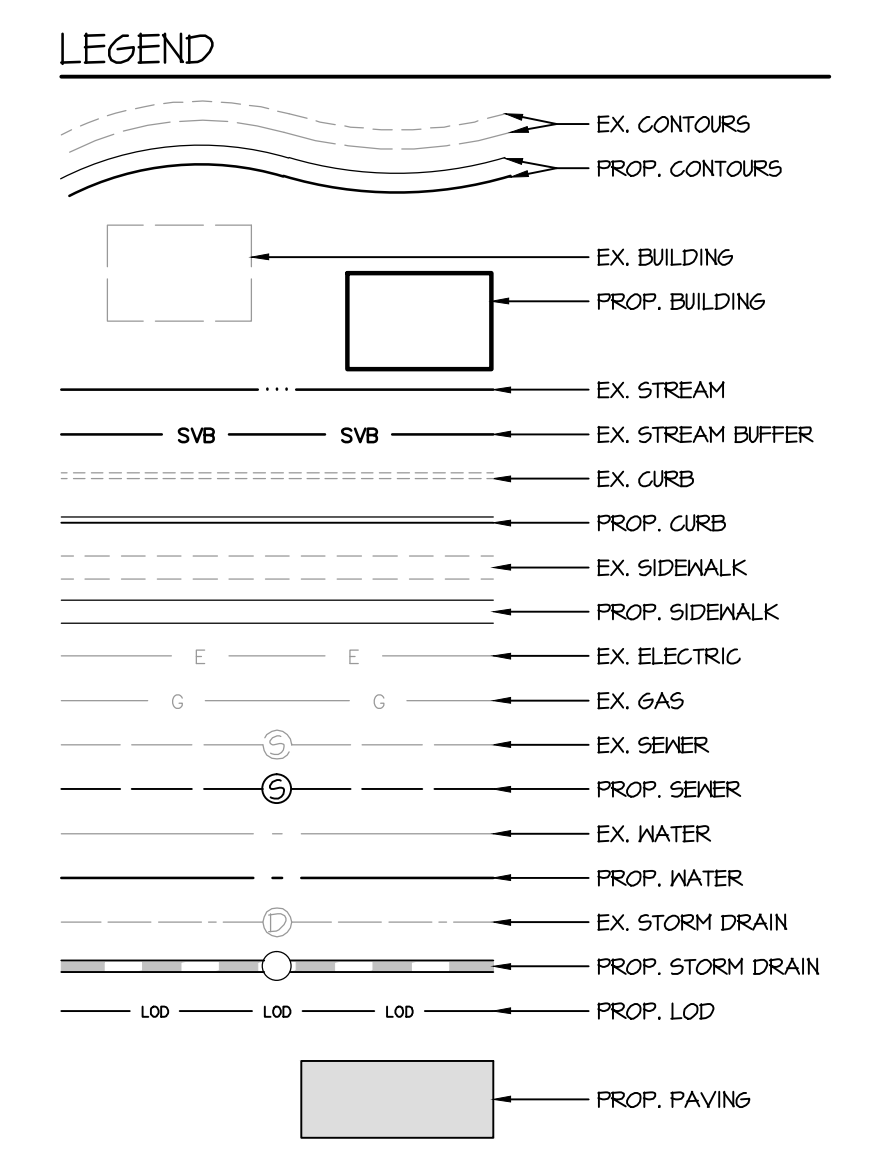
G. L. W. FILE No.
11104
SHEET
3 OF 6



- EXISTING UTILITY NOTES**
- For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
 - Information concerning underground utilities was obtained from available records. The contractor must determine the exact locations and elevations of the utilities by digging test pits by hand at all utility crossings well in advance of trenching. If clearances are less than specified on this plan or less than 12 inches when not specified, contact the Engineer, and the owner of the other involved utility before proceeding with construction.
 - For field location of gas line services, notify Washington Gas Light Co., 703-750-1000, 48 hours prior to the start of any excavation or construction.
 - Omissions and/or additions of utilities found during construction shall be the sole responsibility of any contractor engaged in excavation at this site. Gutschick, Little & Weber, P.A., shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
 - Due to the proximity of live underground and overhead utilities, we are not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.

48 Hours
Before You Dig Call
"MISS UTILITY"
 Service Protection Center

 MEMBER
 ONE CALL SYSTEMS INTERNATIONAL
CALL TOLL FREE
1-800-257-7777



- SIGN NOTES:**
- PROPOSED SIGN SHALL STATE "TRACTOR TRAILERS LEFT TURN ONLY"
 - PROPOSED SIGN SHALL STATE "NO TRACTOR TRAILERS TO ENTER AT THIS ENTRANCE"
 - PROPOSED SIGN SHALL STATE "NOT A TRACTOR TRAILER EXIT"

PROFESSIONAL CERTIFICATION

I hereby certify that to the best of my knowledge, information and the belief that the plan shown hereon is true and correct; has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland; and the boundary has been field surveyed. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No.: 12464
 Expiration Date: May 28, 2015

Date: _____
 By: David L. Little
 Professional Engineer
 Gutschick, Little & Weber, P.A.

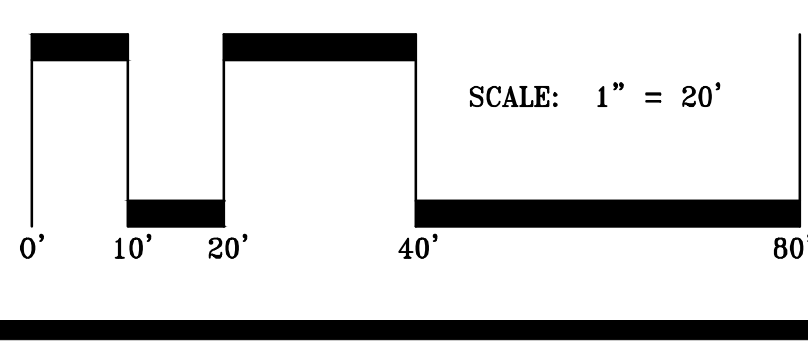
DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Site Plan Approval No. 82007022C, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: Third Try, L.C. Kathryn L. Kubit
 c/o Elm Street Development Contact Person
 Address: 1355 Beverly Road, Suite 240
 McLean, Virginia 22101
 Phone: 703-734-9730
 Signature: _____

GLWGUTSCHICK LITTLE & WEBER, PA
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3929 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
 BURTONSVILLE, MARYLAND 20886
 TEL: 301-421-4024 FAX: 301-421-4186
 BALT: 410-880-1820 DC/VA: 301-989-2524

DATE	REVISION	BY	APPR.



PREPARED FOR:
 MONTGOMERY COUNTY
 DEPARTMENT OF TRANSPORTATION
 100 EDISON PARK DRIVE, 4TH FLOOR
 GAITHERSBURG, MARYLAND 20878

PREPARED FOR:
 THIRD TRY, L.C.
 c/o ELM STREET DEVELOPMENT
 1355 BEVERLY ROAD, SUITE 240
 MCLEAN, VIRGINIA 22101
 ATTN: KATHRYN L. KUBIT
 703-734-9730

SCALE: 1"=20'
 ZONING: RMX-2
 DATE: JUNE, 2013
 TAX MAP - GRID: EW-42

SITE PLAN AMENDMENT
CLARKSBURG TOWN CENTER
WEST TOWN
 CLARKSBURG ELECTION DISTRICT No. 02
 MONTGOMERY COUNTY, MARYLAND

G. L. W. FILE NO.
11104
 SHEET
 WS 6A OF 11

L:\CADD\DRAWINGS\SITE PLANS BY SITE PLAN AMENDMENT (CLARKSBURG) 11104-06-A.dwg


PLANT LIST

SHADE TREES		SCIENTIFIC NAME	COMMON NAME	SIZE	COMMENTS	NATIVE
4	-	Street Tree	-	-	-	-
5	BN	<i>Betula nigra</i>	River Birch	12" - 14" HL. - B4B	Multi-stem	NATIVE
2	QP	<i>Quercus Phellos</i>	Willow Oak	2-1/2" - 3" Cal., 12' - 14' HL. - B4B	6' Branched	NATIVE
1	TIG	<i>Tilia tomentosa 'Sterling'</i>	Sterling Linden	2-1/2" - 3" Cal., 12' - 14' HL. - B4B	6' Branched	NATIVE
1	ZS	<i>Zelkova serrata</i>	Zelkova	2-1/2" - 3" Cal., 12' - 14' HL. - B4B	6' Branched	NATIVE
ORNAMENTAL TREES		SCIENTIFIC NAME	COMMON NAME	SIZE	COMMENTS	COMMENTS
2	LI	<i>Lagerstrœmia indica 'Tuskegee'</i>	White Flowering Grape Myrtle	1-1/2" - 1-3/4" Cal., 7' - 9' HL. - B4B	Multi-stem	NATIVE
EVERGREEN TREES		SCIENTIFIC NAME	COMMON NAME	SIZE	COMMENTS	COMMENTS
2	KG	<i>Ilex x 'Centennial Girl'</i>	Centennial Girl Blue Holly	6" - 8" HL. - B4B	-	-
SHRUBS		SCIENTIFIC NAME	COMMON NAME	SIZE	COMMENTS	COMMENTS
15	IG	<i>Ilex glabra 'Compacta'</i>	Compact Inkberry Holly	18" - 24" HL. - B4B or Cont.	-	-
6	AE	<i>Abelia x 'Edward Goucher'</i>	Pink Flowering Abelia	18" - 24" HL. - B4B or Cont.	-	-

EXISTING UTILITY NOTES

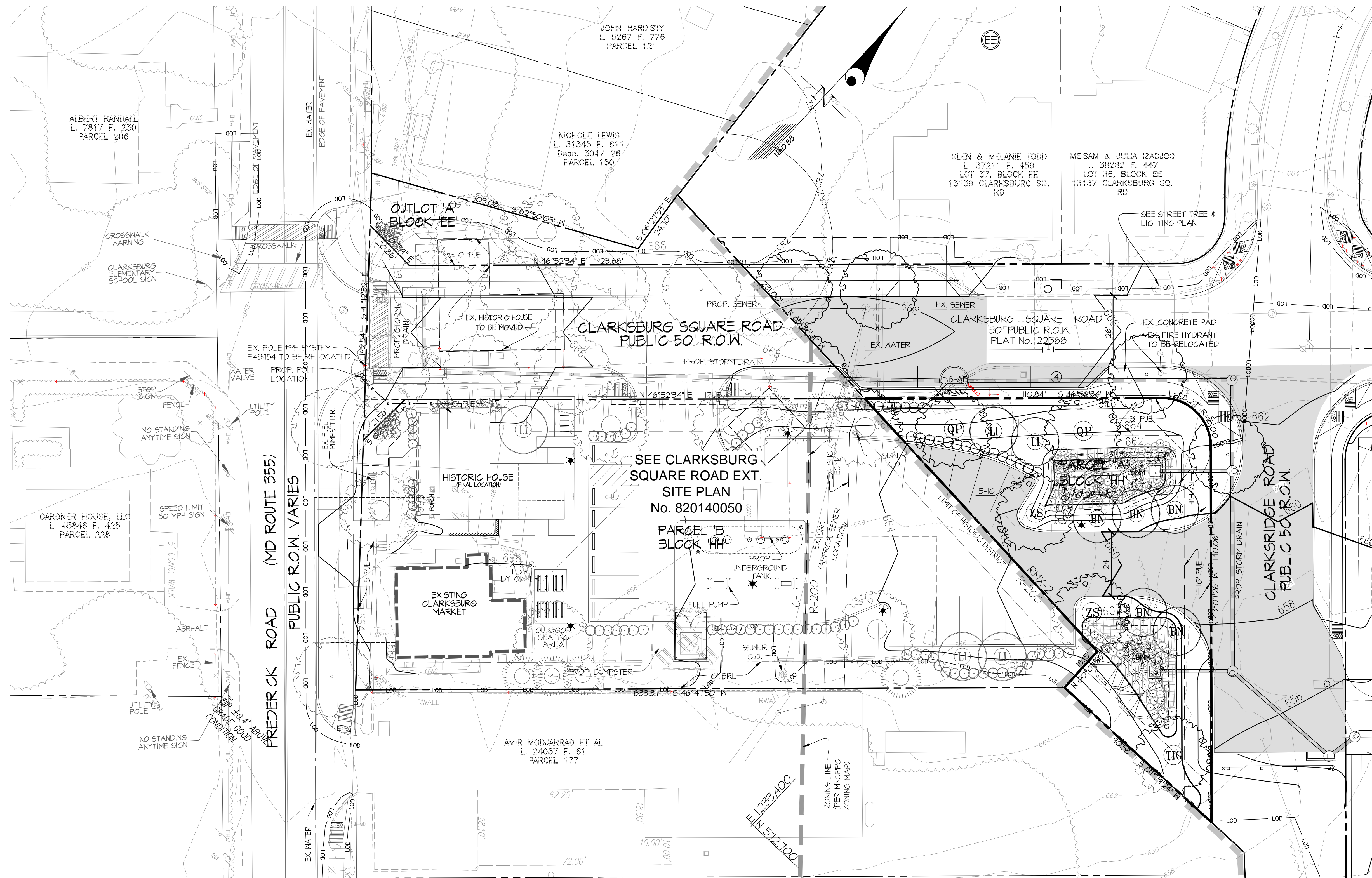
- For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
- Information concerning underground utilities was obtained from available records. The contractor must determine the exact locations and elevations of the utilities by digging test pits by hand at all utility crossings well in advance of trenching. If clearances are less than specified on this plan or less than 12 inches when not specified, contact the Engineer, and the owner of the other involved utility before proceeding with construction.
- For field location of gas line services, notify Washington Gas Light Co., 703-290-1000, 48 hours prior to the start of any excavation or construction.
- Omissions and/or additions of utilities found during construction shall be the sole responsibility of any contractor engaged in excavation at this site. Gutschick, Little & Weber, P.A., shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
- Due to the proximity of live underground and overhead utilities, we are not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.

48 Hours
Before You Dig
Call
"MISS UTILITY"
Service Protection Center

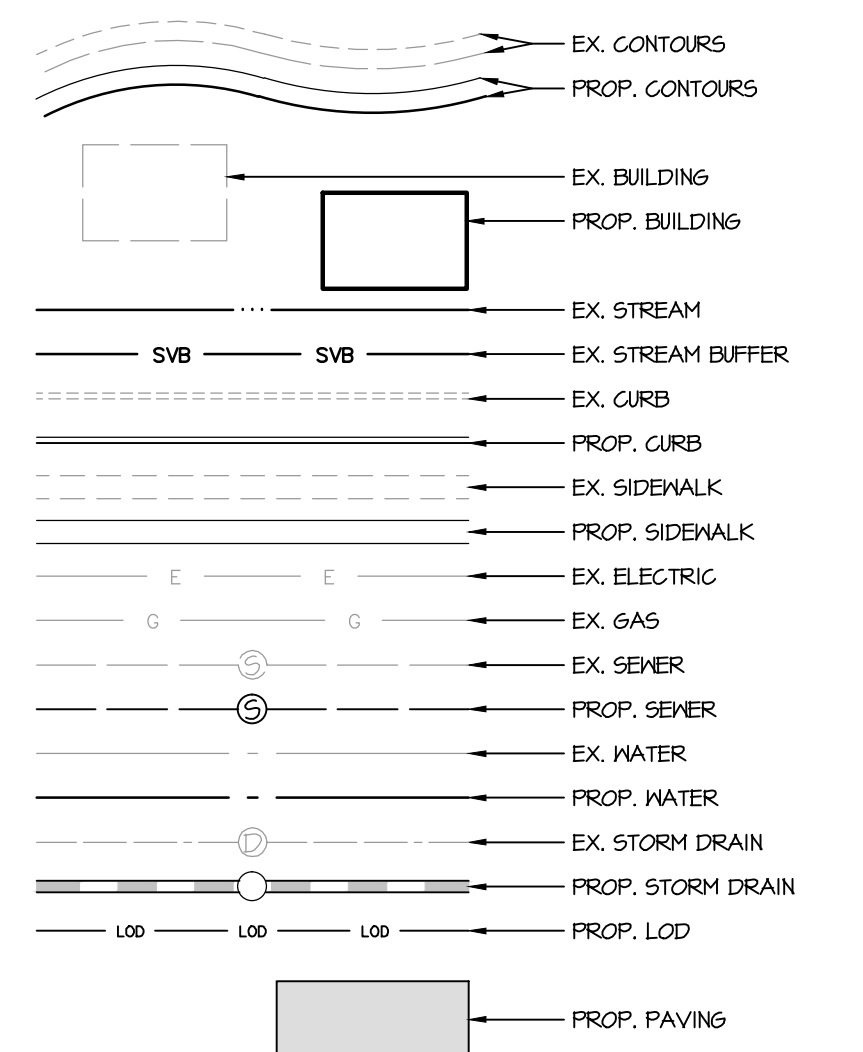


MEMBER
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE
1-800-257-7777



LEGEND



DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Site Plan Approval No. 820140050, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: Elm Street Development Company Kathryn L. Kubit
Contact Person

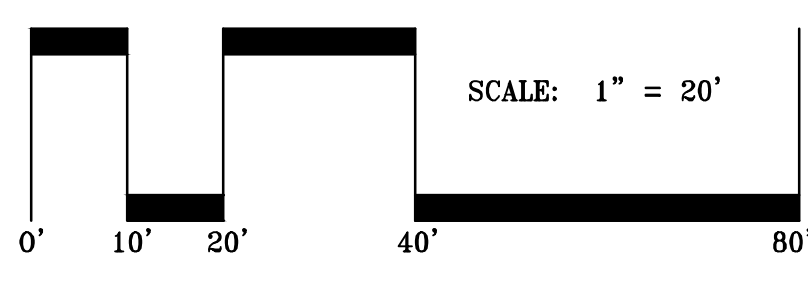
Address: 1355 Beverly Road, Suite 240
McLean, Virginia 22101

Phone: 703-734-9730

Signature: _____

GLW GUTSCHICK LITTLE & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866
TEL: 301-421-4024 FAX: 301-421-4186

DATE	REVISION	BY	APPR.



PREPARED FOR:
MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
100 EDISON PARK DRIVE, 4TH FLOOR
GAITHERSBURG, MARYLAND 20878

PREPARED FOR:
THIRD TRY L.C.
c/o ELM STREET DEVELOPMENT
1355 BEVERLY ROAD, SUITE 240
MCLEAN, VIRGINIA 22101
ATTN: KATHRYN L. KUBIT
703-734-9730

SCALE
1" = 20'

DATE
JUNE, 2013

ZONING
RMX-2

TAX MAP - GRID
EW-42

LANDSCAPE PLAN
CLARKSBORG TOWN CENTER
WEST SIDE

CLARKSBORG ELECTION DISTRICT No. 02

G. L. W. FILE No.
11104

SHEET
WL 5A OF 11

L:\CAD\DRAWINGS\3042\PLANS BY GLW\SITE PLAN\11104.P-05-A.dwg, 1/1

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
February 7, 2014

Sandra Pereira, Senior Planner
Mary Jo Kishter, Senior Planner
M-NCPPC Montgomery County Planning Department
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910

RE: **Plan of Compliance**
Clarksburg Town Center Amendment - 82007022C

Dear Ms. Pereira:

On behalf of our clients, Third Try, LC and the Montgomery County Department of Transportation (Applicants) we are submitting this Plan of Compliance to amend the approved Forest Conservation Plan No. 820070220. The area to be amended is found on Sheet FC-11, more specifically a triangular shaped property recorded as Parcel A, Block HH. The property is contiguous with the Clarksburg Market property which fronts on Frederick Road (MD Rte. 355). Together these two properties comprise the total project area submitted to you as Clarksburg Square Road Extension, Site Plan No. 820140050 and Preliminary Plan No. 120140060.

The approved Final Forest Conservation Plan for Parcel A shows that the area has been cleared of all existing vegetation as shown by the Limit of Disturbance line at the edges of the property. The Plan of Compliance proposes that the Limit of Disturbance remains the same. Furthermore, that additional trees and shrubs will be planted there as shown below.

Trees shown on the currently approved Final Forest Conservation Plan:

- (3) Willow Oak, *Quercus phellos*, 3.5" cal.
- (2) Sterling Linden, *Tilia tomentosa* 'Sterling', 2.5" cal.
- (8) Red Bud, *Cercis canadensis*, 8' ht.

The trees and shrubs proposed by the Applicants:

- (3) Willow Oak, *Quercus phellos*, 3.5" cal.
- (1) Sterling Linden, *Tilia tomentosa* 'Sterling', 2.5" cal.
- (2) Zelcovo serrata, *Zelcova*, 2.5-3" cal.
- (5) *Betula nigra*, River Birch, 12-14' ht.
- (2) Crape Myrtle, *Lagerstroemia indica* 'Tuskegee', 1.5"-1.75" cal.
- (6) Pink Flowering Abelia, *Abelia x. Edward Goucher*, 18-24" ht.
- (15) Compact Inkberry Holly, *Ilex glabra* 'Compacta', 18-24" ht.

The Applicant believes that because the proposed Limit of Disturbance does not change from the approved Forest Conservation Plan and that additional trees and shrubs are proposed that the intent of the original plan is maintained.

Thank you for your consideration in this proposal. Please do not hesitate to contact me if I can be of further assistance.



Michael Clay
Senior Planner



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

June 30, 2015

Ms. Kate Kubit
Third Try, LC
1355 Beverly Road, Suite 240
McLean, VA 22101

RE: 42015229E, Clarksburg Square Road Extension

Dear Ms. Kubit:

This letter is in response to your request for an exemption from submitting a forest conservation plan. The Exemption under 22A-5(s)(2) of the Forest Conservation Law is confirmed, the project is not subject to a Forest Conservation Plan.

This exemption covers an activity occurring on a tract of land less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or an existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet. Forest in any priority area on-site must be preserved.

An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance. The property owner, construction superintendent, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

Any changes from the approved plan may constitute grounds to rescind any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate application must be submitted to M-NCPPC for review and approval prior to those activities occurring.

If you have any questions regarding these actions, please feel free to contact me at (301) 495-4701 or maryjo.kishter@montgomeryplanning.org.

Sincerely,

A handwritten signature in black ink that reads "Mary Jo Kishter".

Mary Jo Kishter
Senior Planner

Cc: NRI/FSD 42015229E
Michael Clay, GLW



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

February 27, 2014

Mr. Tim Longfellow
Gutschick, Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, Maryland 20866

Re: **Preliminary/Final** Water Quality Plan
for Clarksburg Square Road Extension
SM File #: 258336
Tract Size/Zone: 1.06 acres/C-1/R-200
Watershed: Little Seneca Creek

SPECIAL PROTECTION AREA

Dear Mr. Longfellow:

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

Site Description: The project proposes to relocate an existing house and reconfigure an existing parking area so that Clarksburg Square Road can be extended from Clarksburg Road to intersect with MD Route 355. This is located within the portion of the Little Seneca Creek watershed which is in the Clarksburg Special Protection Area.

Stormwater Management and Sediment Control: The stormwater management concept proposes to meet the required stormwater management goals via the use of micro-bioretenion, pervious pavement and a flow through structural filter. Sediment control will be provided by the use of super silt fence with immediate stabilization emphasized.

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

1. Minimize storm flow run off increases.
2. Minimize sediment loading.

Conditions of Approval: The following items will need to be addressed during the detailed sediment control/stormwater management plan stage. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

Tim Longfellow
February 27, 2014
Page 2

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Maryland Department of the Environment 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.

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

Sincerely,

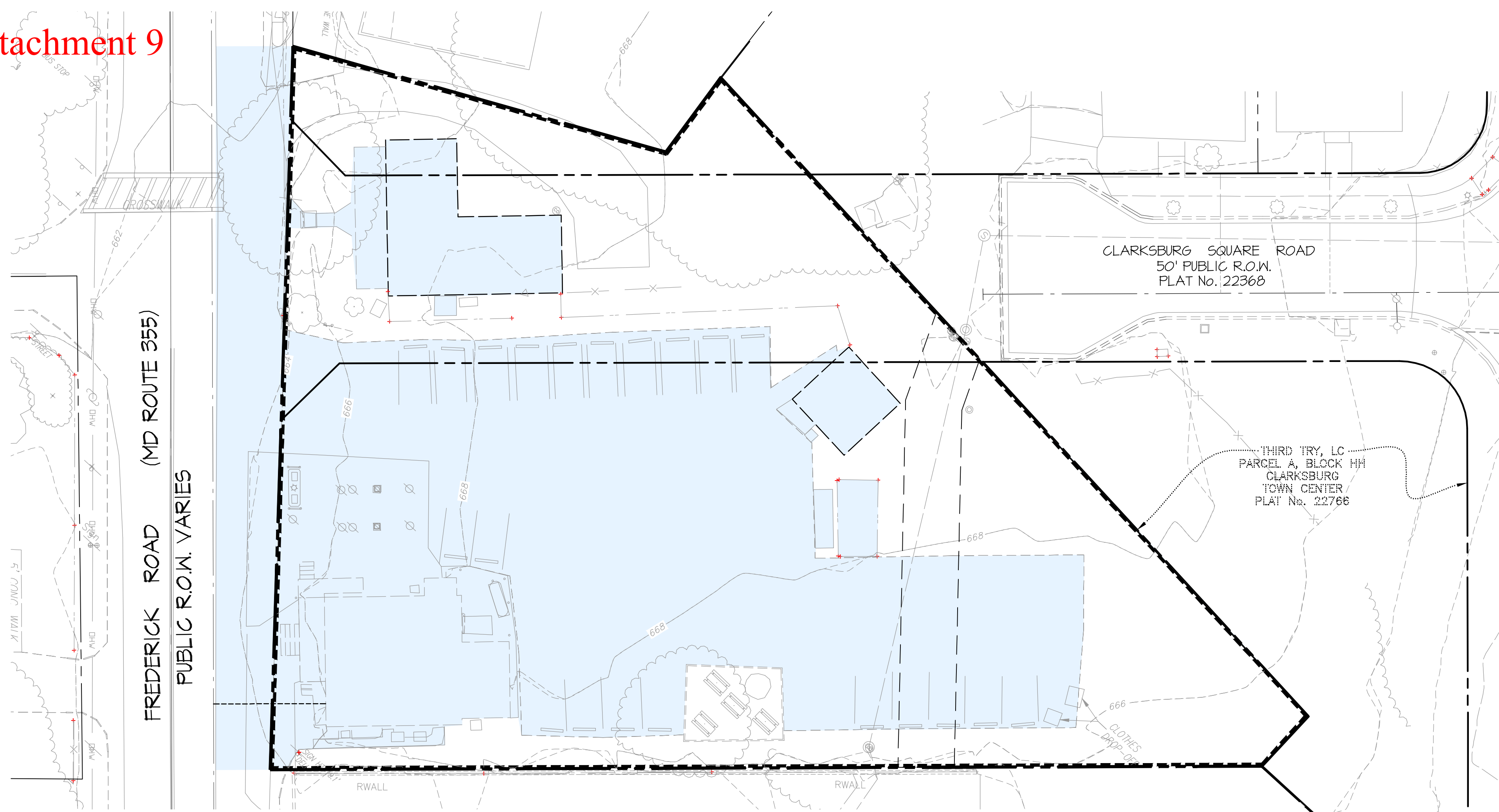


Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE:img:CN258336

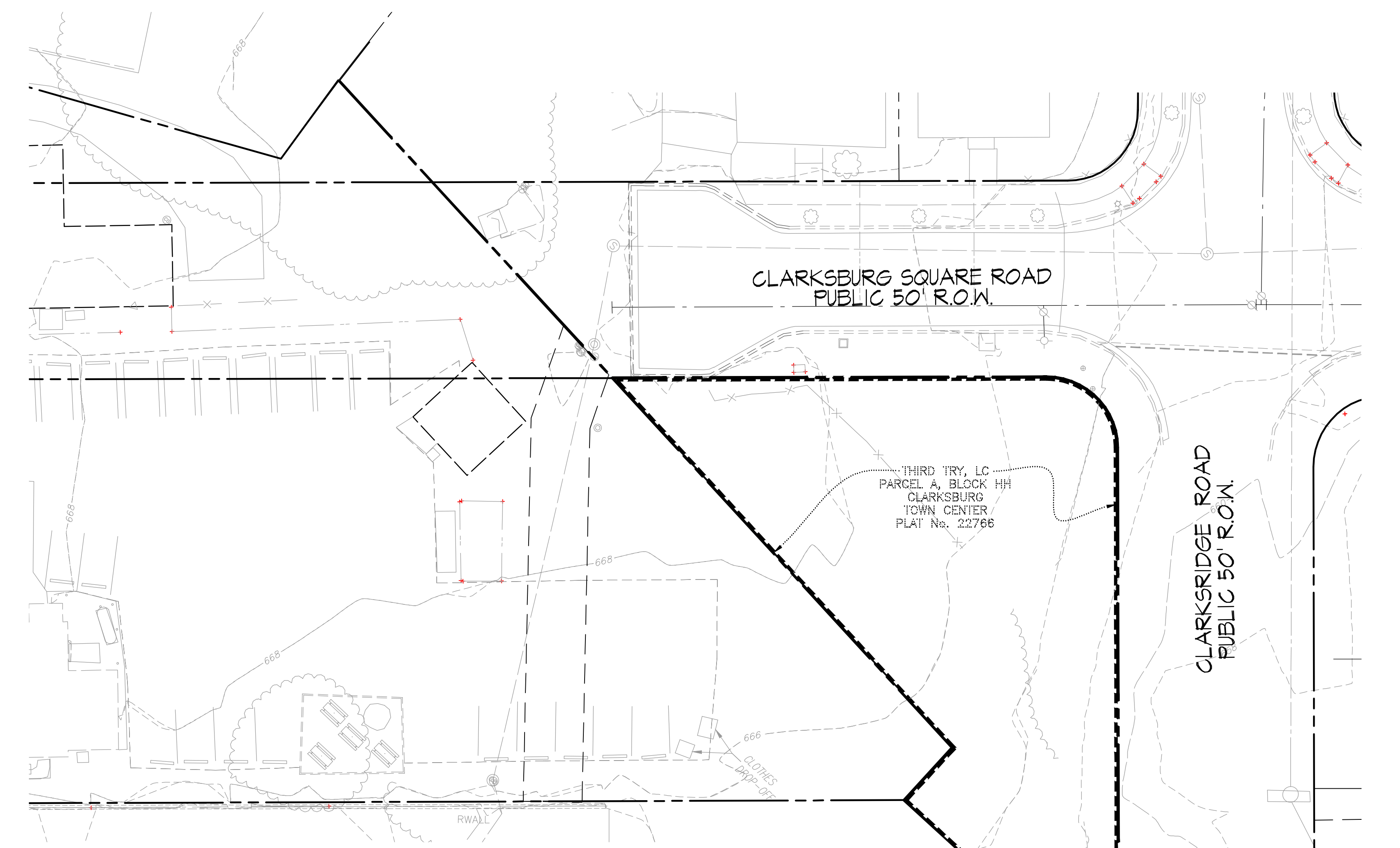
cc: C. Conlon (MNCPPC)
K. Van Ness (MCDEP)
L. Galanko
SM File # 258336

ESD Acres: 0.70 ac.
STRUCTURAL Acres: 0.35 ac.
WAIVED Acres: n/a



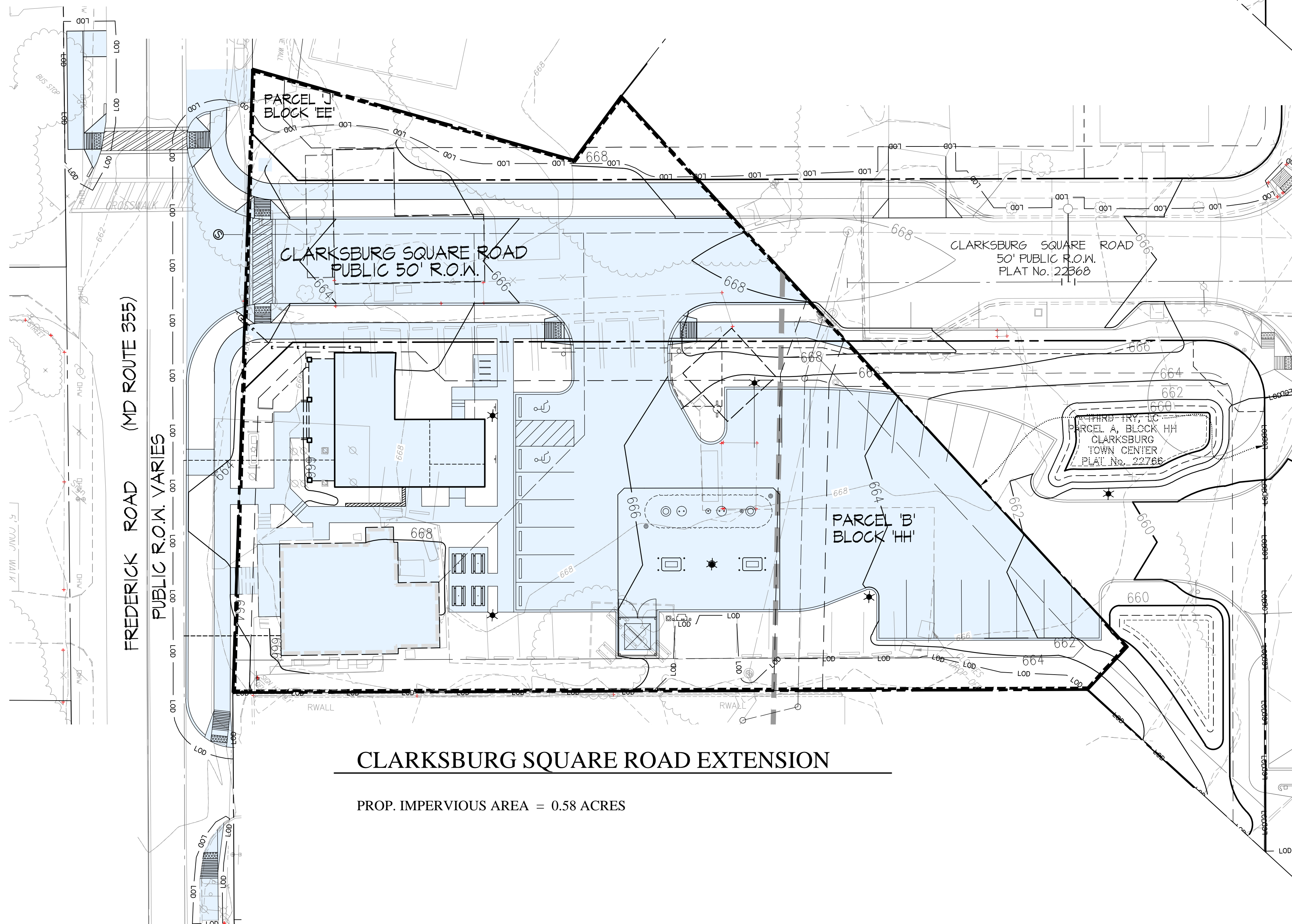
CLARKSBURG SQUARE ROAD EXTENSION

EX. IMPERVIOUS AREA = 0.55 ACRES



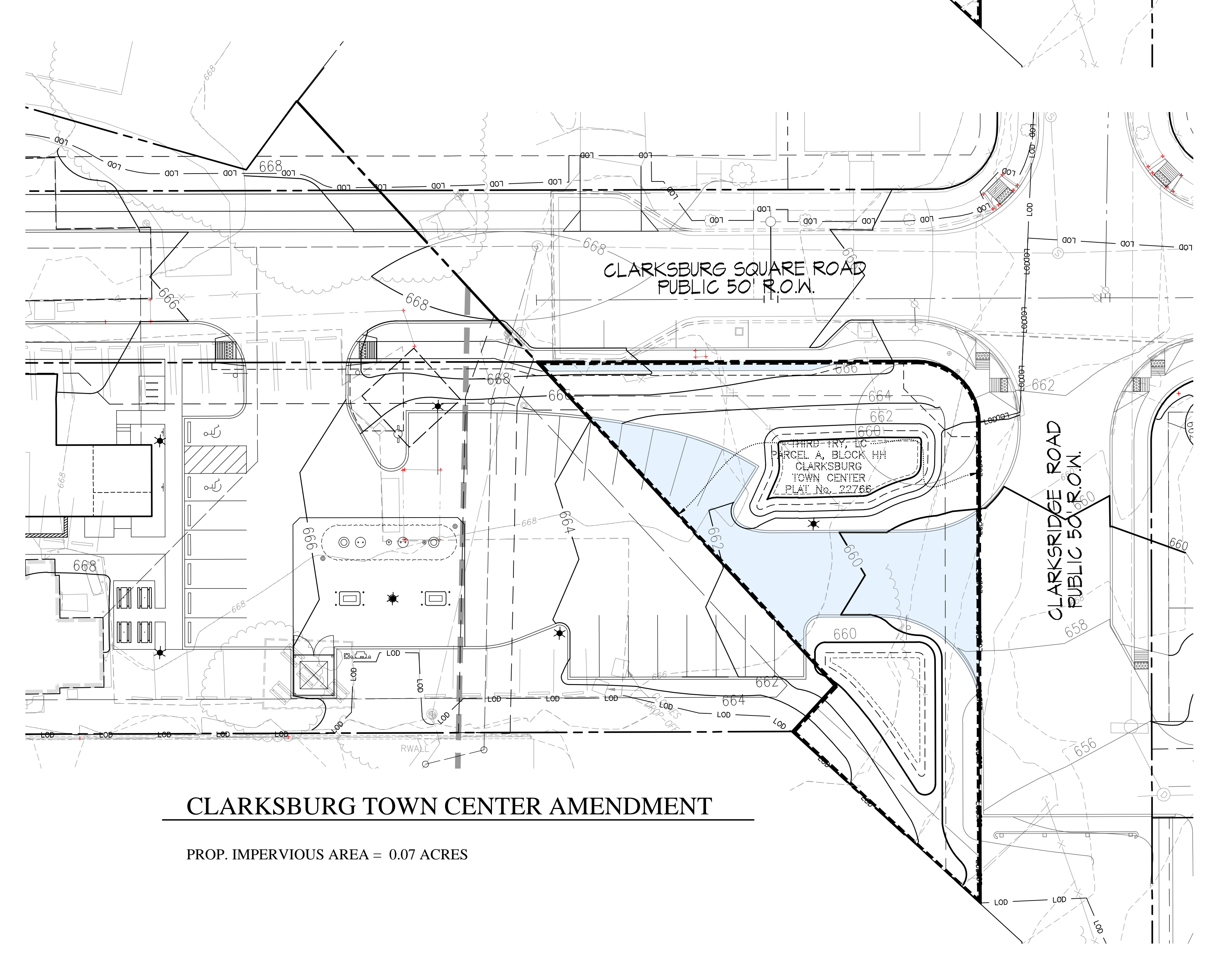
CLARKSBURG TOWN CENTER AMENDMENT

EX. IMPERVIOUS AREA = 0.00 ACRES



CLARKSBURG SQUARE ROAD EXTENSION

PROP. IMPERVIOUS AREA = 0.58 ACRES

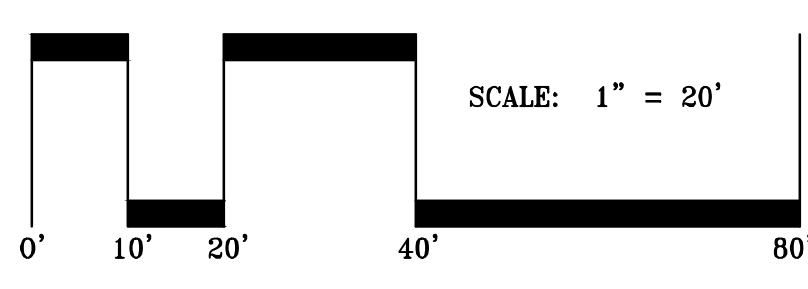


CLARKSBURG TOWN CENTER AMENDMENT

PROP. IMPERVIOUS AREA = 0.07 ACRES

GLWGUTSCHICK LITTLE & WEBER, PA
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3929 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
 BURTONSVILLE, MARYLAND 20866
 TEL: 301-421-4024 FAX: 301-421-4186
 BALT: 410-880-1820 DC/VA: 301-989-2524

DATE	REVISION	BY	APPR.



PREPARED FOR:
 MONTGOMERY COUNTY
 DEPARTMENT OF TRANSPORTATION
 100 EDISON PARK DRIVE, 4TH FLOOR
 GAITHERSBURG, MARYLAND 20878

PREPARED FOR:
 THIRD TRY, LC
 c/o ELM STREET DEVELOPMENT
 1355 BEVERLY ROAD, SUITE 240
 McLEAN, VIRGINIA 22101
 ATTN: KATHRYN L. KUBIT
 703-734-9730

SCALE
 1"=20'
 DATE
 JAN, 2014

ZONING
 TAX MAP - GRID
 EW-42

IMPERVIOUS AREA EXHIBIT
CLARKSBURG SQUARE ROAD EXTENSION
CLARKSBURG TOWN CENTER
PARCEL 'J' BLOCK 'EE' & PARCEL 'B' BLOCK 'HH'
 PROPERTY OF: ARIES INVESTMENT GROUP
 L. 2911 F. 579
 CLARKSBURG ELECTION DISTRICT No. 02
 MONTGOMERY COUNTY, MARYLAND

G. L. W. FILE No.
 11104
 SHEET
 1 OF 1

L:\2014\BMTS\121713\121713.dwg BY: GAW/STP PLANNING/STP/EMBERS FOR SUBMISSION/121713.dwg



FIRE MARSHAL COMMENTS

DATE: 25-Mar-14
TO: Kevin Foster
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Clarksburg Square Road Extension
120140060 820140050

PLAN APPROVED

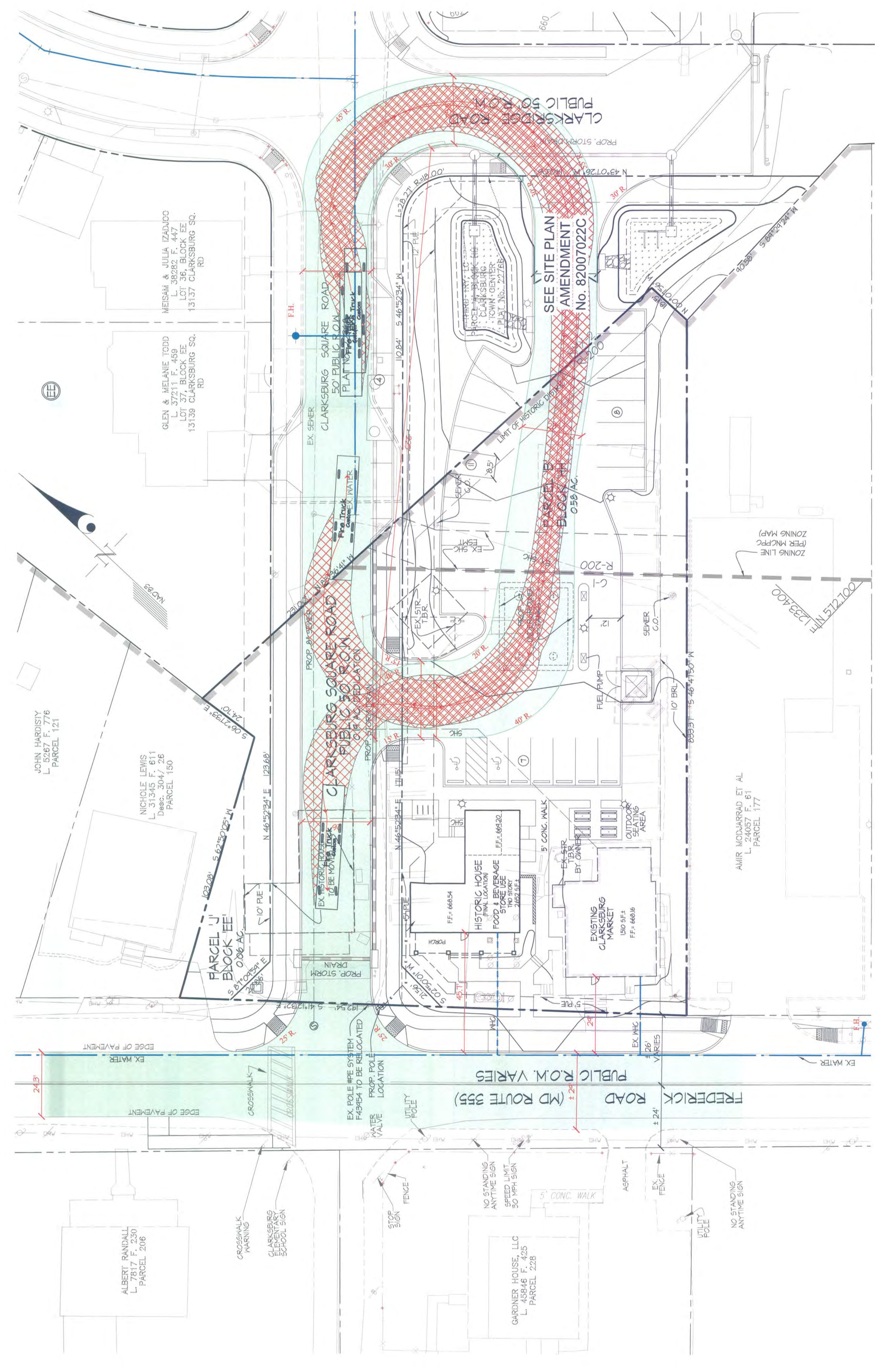
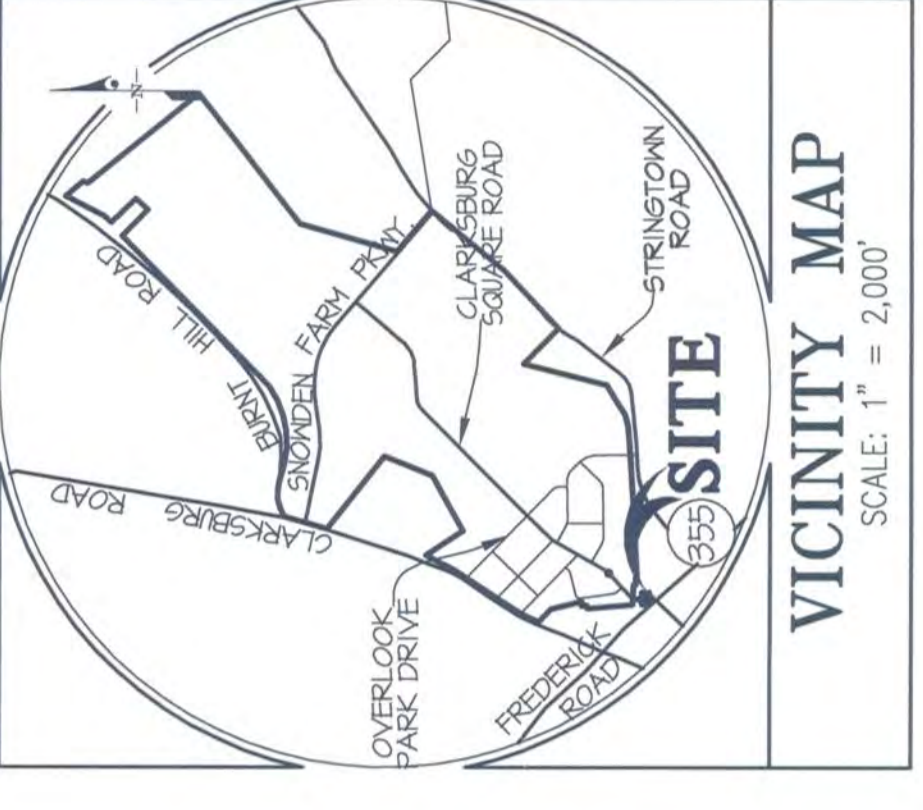
1. Review based only upon information contained on the plan submitted **25-Mar-14**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

- EXISTING UTILITY NOTES**
- For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
 - Information concerning underground utilities was obtained from available records and field investigation. The locations and elevations of the utilities by digging test pits by hand at all utility crossings will in advance of trenching. If any utilities are less than specified on the plan or less than 12 inches deep, the contractor shall be notified immediately by the owner of the other involved utility before proceeding with construction.
 - For field locations of gas line services, notify Washington Gas Light Company at 1-800-485-4800, 48 hours prior to the start of any excavation or construction.
 - Omissions and/or additions of utilities found during construction shall be noted on the site. Gutschick Little & Weber, P.A., shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
 - Due to the proximity of live underground and overhead utilities, the contractor shall be notified immediately of any utility lines, cables, or equipment used on or adjacent to the site.

48 Hours
Before You Dig
Call
"MISS UTILITY"
Services Protection Center
1-800-257-7777

MEMBER
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE
1-800-257-7777

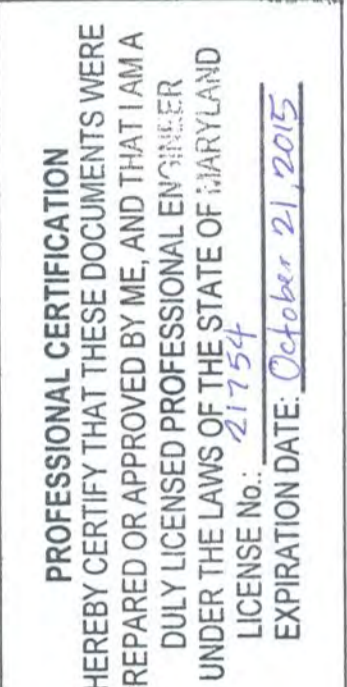


Attachment 11

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or omissions. Connection of each unsatisfactory layout to afford required access will be required if found upon inspection after installation.

3/15/14



GLW Gutschick Little & Weber, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, ENVIRONMENTAL ARCHITECTS
3609 NATIONAL DRIVE - SUITE 200 - BETHESDA OFFICE BLDG
BETHESDA, MARYLAND 20814
TEL: 301-421-4204 FAX: 301-421-4188
MAIL: 40-866-1100 FAX: 301-989-2524 FAX: 301-421-4188

DATE: _____ BY: _____ APPR: _____

REVISION: _____

PREPARED FOR:
MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
100 EDWARDS PARK DRIVE, SUITE 200
GAITHERSBURG, MARYLAND 20878

PREPARED FOR:
THIRD TRY LLC
C/O ELM STREET DEVELOPMENT
1355 BEVERLY ROAD, SUITE 240
GAITHERSBURG, MARYLAND 20878
ATTN: KATHRYN L. KUBIT
703-734-9730

SCALE: 1" = 20'
DATE: OCT 1, 2013
ZONING: C-1, R-200
TAX MAP - GRD: EW-42

FIRE ACCESS PLAN

CLARKSBURG SQUARE ROAD EXTENSION
PARCEL 'J' BLOCK 'EE'
PROPERTY OF: ARBUS INVESTMENT GROUP
L: 2951 F. 579

PRELIMINARY PLAN No. 120140060
SITE PLAN No. 820140050

G. L. W. FILE No. 11104
SHEET 1 OF 1

CLARKSBURG ELECTION DISTRICT No. 02
MONTGOMERY COUNTY, MARYLAND

Traffic Order - Clarksburg Square Road Extension for Montgomery County Dept. of Transportation, 03-19-2014

Parking is as shown on Sheet 1 of 1 Fire Access Plan

Limits of "No Parking Any Time" Regulations on Clarksburg Square Road are as follows:

1. Clarksburg Square Road from intersection with Frederick Road (MD Rte. 355) to intersection with Clarksridge Road, no parking anytime on north side.
2. Clarksburg Square Road from intersection with Frederick Road (MD Rte. 355) 195' east, no parking on south side.
3. Clarksburg Square Road from intersection with Clarksridge Road 60' west, no parking on south side.

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

SMC

43

4/25/14

FW



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

May 23, 2014

Arthur Holmes, Jr.
Director

Richard Weaver, Planner Coordinator
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No.120140060
Clarksburg Square Road Extension

Dear Mr. Weaver:

We have completed our review of the preliminary plan dated April 2014. This plan was reviewed by the Development Review Committee at its meeting on January 21, 2013. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for the Clarksburg Square Road extension in accordance with Record Plat No. 22368.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
5. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
6. The sight distance study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov



7. In accordance with Section 49-33(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public streets unless the applicant is able to obtain a waiver from the appropriate government agency.
8. Based on a review of the design exception waiver to allow less than the required one hundred (100) feet tangent between intersections has been granted for this site. Given the historic nature, zoning constraints, and uses for this site as a gas station and convenience store, we do not believe that the proposed tangents will result in a queuing problem or any other traffic safety related issues on Clarksburg Square Road site driveway to the intersection of Frederick Road (MD 355) nor from the intersection of Clarksburg Square Road to the Clarksridge Road site driveway.
9. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Mr. Sam Farhadi of that Department at (240) 777-6333 to discuss the parking lot design.
10. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.
11. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
12. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
13. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
14. Access and improvements along Frederick Road (MD 355) as required by the Maryland State Highway Administration.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. The Corridor Cities Transitway and Bus Rapid Transit lines have a terminus point in the vicinity of this development. Consideration should be taken at this time to determine any effects it could have on this project including any necessary dedication of right-of-way on Frederick Road (MD 355) in accordance with Resolution No. 17-952, Approval of Planning Board Draft Countywide Transit Corridors Functional Master Plan.
17. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations

Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

18. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
19. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Mr. Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
20. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-8380.
21. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.
22. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Clarksburg Road extended.

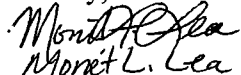
* **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**
 - B. On Clarksburg Square Road, construct a five (5) foot wide concrete sidewalk between Frederick Road and Clarksridge Road, if required by the Planning Board.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - E. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.

Mr. Richard Weaver
Preliminary Plan No. 120140060
May 23, 2014
Page 4

- F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Monet L. Lea, our Development Review Area Engineer for this project at monet.lea@montgomerycountymd.gov or (240) 777-2197.

Sincerely,


Monet L. Lea FOR
Gregory M. Leck, Manager
Development Review Team

m:/subd/MonetL/05232014_Clarksburg Square Road Ext MCDOT Plan Review Ltr

Enclosures (2)

cc: Kate Kubit, Third Try, LLC
Tim Longfellow; GLW, P.A.
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Catherine Conlon; M-NCPPC DARC
Katherine Holt, M-NCPPC Area 3
Scott Newill, MDSHA
Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Mark Terry, MCDOT DTEO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: CLARKSBURG SQUARE ROAD EXTENSION Preliminary Plan Number: 1-20140060

Street Name CLARKSBURG SQUARE ROAD Master Plan Road PRIMARY
 Classification: SECONDARY RESIDENTIAL

Posted Speed Limit: N/A mph

Street/Driveway #1 (SITE ENTRANCE) Street/Driveway #2 (_____)

Sight Distance (feet)
 Right 250'
 Left 350'

OK?
YES ✓
YES ✓

Sight Distance (feet) OK?
 Right _____
 Left _____

Comments: _____

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature: [Signature] Date: 5-14-2014
29914



PLS/P.E. MD Reg. No. _____

Montgomery County Review:

Approved

Disapproved:

By: [Signature]

Date: 5/23/2014



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: CLARKSBURG SQUARE ROAD EXTENSION Preliminary Plan Number: 1-20140060

Street Name: CLARKSPRIDGE ROAD Master Plan Road Classification: TERTIARY ✓

Posted Speed Limit: N/A mph

Street/Driveway #1 (SITE ENTRANCE) Street/Driveway #2 (_____)

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>70'</u>	<u>YES</u> * ✓	Right _____	_____
Left <u>225'</u>	<u>YES</u> ✓	Left _____	_____

Comments: *RIGHT SIGHT LINE IS TO TURN AROUND AT THE TERMINUS OF THE ROAD.

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	<u>150'</u>
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

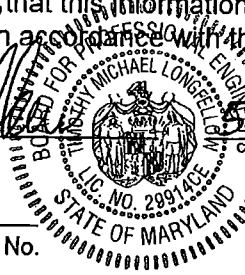
*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature: [Handwritten Signature] Date: 5-14-2014

29914



PLS/P.E. MD Reg. No.

Montgomery County Review:

Approved

Disapproved:

By: [Handwritten Signature]

Date: 5/23/2014

Larry Hogan, *Governor*
Boyd Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*
Douglas H. Simmons, *Acting Administrator*

Re: Montgomery County
MD 355
Clarksburg Town Center
SHA Tracking No. 13APMO046XX
Traffic Impact Study
Mile Point 22.77

Mr. Edward Y. Papazian, Vice President
Kimley-Horn and Associates, Inc.
11400 Commerce Park Drive
Suite 400
Reston, Virginia 20191

Dear Mr. Papazian:

Thank you for the opportunity to review the point-by-point responses prepared by Kimley-Horn and Associates, Inc., dated May 23, 2015, prepared for the proposed connection of Clarksburg Square Road with MD 355 as part of the Clarksburg Town Center in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) review is complete and we are pleased to respond.

The review determined the major report findings and the SHA comments and conclusions are as follows:

- Access to the 1,106 residential units and 193,970 square feet of retail is proposed via three (3) full movement site access points from MD 355, Clarksburg Road, and Stringtown Road.
- The study analyzed the following intersections under existing, background and future conditions:
 - MD 355 intersection with Stringtown Road
 - MD 355 intersection with Redgrave Place
 - MD 355 intersection with Spire Street
 - MD 355 intersection with MD 121 (Clarksburg Road)
- The report concludes that the proposed connection of Clarksburg Square Road with MD 355 will operate in an efficient manner and at an acceptable level of service. The remaining (3) study intersections will generally operate at current levels of service during the AM and PM peak hours with improvements in overall delays.

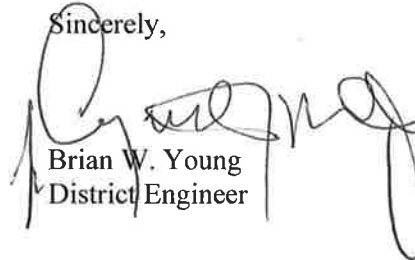
The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for all construction within the SHA right of way. Please submit seven (7) sets of the improvement plans (including a set of hydraulic plans and computations) and a CD containing the plans and all supporting documentation to Mr. Brian Young at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Pranoy Choudhury.

My telephone number/toll-free number is 410-545-0400 or 1-800-206-0770
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Mr. Edward Y. Papazian, Vice President
13APMO046XX
Page No. 2
June 18, 2015

Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Eric Waltman at 410-545-5597, by using our toll free number in Maryland only at 1-800-876-4742 (x5597) or via email at ewaltman@sha.state.md.us.

Sincerely,



Brian W. Young
District Engineer

BWY/elw

cc: Ms. Samantha Biddle, SHA RIPD
Mr. Pranoy Choudhury, SHA AMD
Ms. Rola Daher, SHA DSED
Mr. Matthew Folden, M-NCPPC (matthew.folden@montgomeryplanning.org)
Mr. Scott Holcomb, SHA DSED
Ms. Anyesha Mookherjee, SHA District 3
Mr. Johnson Owusu-Amoako, SHA TDSD
Mr. Steve Rochon, SHA TDSD
Ms. Tina Saxon, SHA RIPD
Mr. Lisa Shemer, SHA DSED
Mr. Errol Stoute, SHA TDSD
Mr. Eric Waltman, SHA AMD
Mr. Brian Young, SHA District 3