



EP
 fb
 KRR

Local Map Amendment Dowden's Station G-957

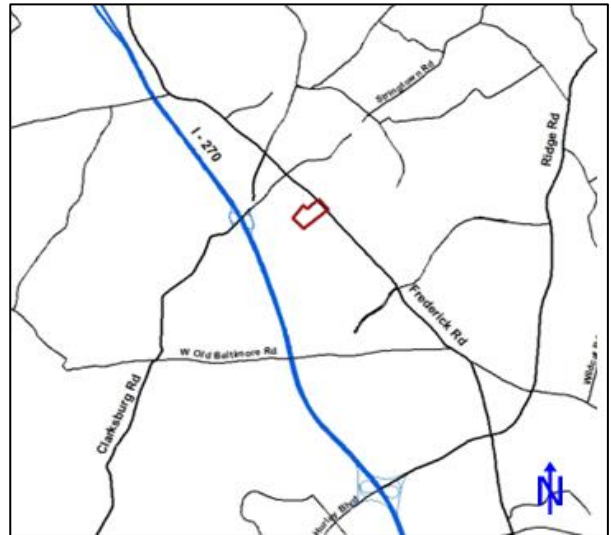
Elsabett Tesfaye, Planner Coordinator, Area 3 Division Elsabett.Tesfaye@montgomeryplanning.org 301-495-1301
 Frederick V. Boyd, Master Planner, Area 3 Division: Fred.Boyd@montgomeryplanning.org 301-495-4544
 Kipling Reynolds, Division Chief, Area 3 Division: Kipling.Reynolds@montgomeryplanning.org 301-495-4575

Description

Completed: 06/26/2015

A. Local Map Amendment G-957: Dowden's Station

Request for a Local Map Amendment for reclassification of a 24.37-acre property from R-200 Zone to PD-4 Zone, for the development of up to 105 detached and attached single-family dwelling units, located on the west side of Frederick Road (MD 355), 1,300 feet north of its intersection with Shawnee Lane, known as Garnkirk Farms Parcel N760, part of Lot 21 and Parcel N888 Lot 22 tax map EW31, Clarksburg, 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*.



Staff Recommendation: Approval

- **Application Filed:** July 16, 2013
- **Planning Board Hearing:** July 9, 2015
- **Hearing Examiner Hearing:** July 17, 2015

Applicant: Clarksburg Mews, LLC

Summary

1. Key Aspects of the Proposal and major issues:

- This Application is reviewed pursuant to the Zoning Ordinance in effect prior to October 30, 2014.
- The Site will developed with up to 105 single-family homes consisting of 21 (19 percent) detached homes and 84 (81 percent) townhouses.
- The design, general lay out, orientation, number of units, right-of-way dedication and access design are driven by the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* (Master Plan) recommended future alignment of Frederick Road (MD 355)¹ as well as future constructions of Observation Drive and Roberts Tavern Drive extension. The ultimate right-of-way (row) alignments of Frederick Road/Roberts Tavern Drive have the potential to exert significant changes in the overall design and site layout. The issue is a matter that would be addressed substantively through the Preliminary Plan and Site Plan review process if the Zoning reclassification is approved. The determination of the ultimate row design could trigger a Development Plan Amendment.
(summary continued)

¹ For the purposes of consistency and to avoid confusion concerning the property's orientation relative to the adjacent existing and future roads, staff identifies the property's frontage on MD 355 as its eastern boundary line and the property's frontage on the future Observation Drive as its western boundary line.

- A Gap Analysis was conducted for the site's interim access road (near the intersection formed by the Roberts Tavern Drive row from Frederick Road. Review of the study concludes that there are sufficient gaps in traffic to accommodate the estimated vehicle trip generation associated with the site.
- If the zoning reclassification is approved, the issue of a sewer outfall from the project will be a major element of the Final Water Quality Plan when the proposed development is submitted for a Preliminary Plan review, in terms of design and potential impacts on the stream, environmental features, ecological quality, capacity, and other related issues. Effective resolution of any sewer issue will require collaboration among several agencies of the County including the Planning Department, the Department of Environmental Protection (MCDEP), the Washington Suburban Sanitary Commission (WSSC), and the Department of Permitting Services (MCDPS). Moreover, compliance with the recommended Preliminary Water Quality plan conditions could trigger a Development Plan Amendment.

2. Development Plan and Zoning Request

- a. The submitted Development Plan is in substantial compliance with the Master Plan.
- b. The Development Plan complies with the purposes, standards, and regulations of the PD-4 Zone and provides for a form of development that will be compatible with adjacent developments.
- c. The Development Plan proposes internal vehicular and pedestrian circulation systems and points of external access that will be safe, adequate and efficient.
- d. By its design, and through the implementation of a comprehensive Water Quality Plan, the proposed development can minimize erosion of the soil and preserve natural vegetation and other natural features of the site.
- e. The application will comply with forest conservation requirements under Chapter 22A and requirements for water resource protection under Chapter 19.
- f. The proposed development will be subject to the review and approval of a Preliminary Plan of Subdivision and a Site Plan by the Planning Board. Detailed design and transportation elements are to be addressed at Preliminary Plan and Site Plan.
- g. Application of the PD-4 Zone at the proposed location is proper for the comprehensive and systematic development of the County because the proposed development, as shown on the submitted Development Plan (revised 02/27/15):
 - Is generally consistent with all applicable standards of the PD-4 zone and applicable requirements of the Zoning Ordinance;
 - Will be in substantial compliance with the land use recommendations of the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*.

TABLE OF CONTENTS

I. RECOMMENDATION	4
II. STATEMENT OF THE CASE	5
III. BACKGROUND	6
A. The Subject Property	
B. Surrounding Area	
C. Planning and Zoning History	
IV. PROPOSED DEVELOPMENT	8
A. Development Concept	
B. The Development Plan and Binding Elements	
C. Conformance with the Master Plan	
D. Public Facilities	
a. Transportation	
b. School Capacity	
c. Water sewer service	
E. Environment	
V. ZONING AND REQUIRED FINDINGS	23
A. Approval by the District Council –Findings 59-D-1.61	
VI. COMMUNITY OUTREACH	35
VII. CONCLUSION	36
VIII. ATTACHMENTS:	
A. Plans and drawings	
B. Water Quality and Forest Conservation Memorandum	
C. Letters and other agency comments	

I. RECOMMENDATION

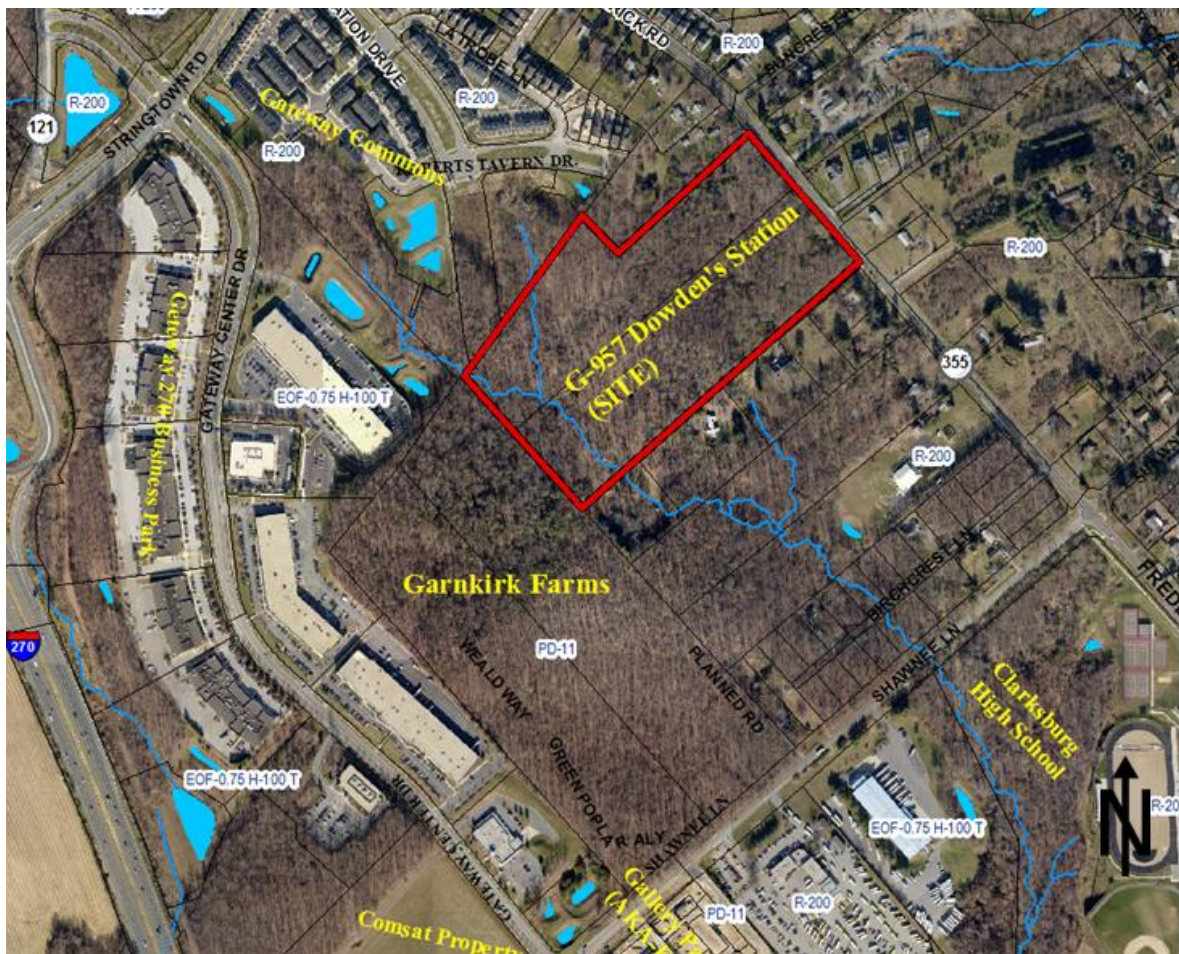
Staff recommends APPROVAL of G-957 for the following reasons:

1. The Development Plan is in substantial compliance with the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* and conforms to the Master Plan's land use, zoning and transportation recommendations.
2. The Development Plan is consistent with the purposes of the PD Zone.
3. The Development Plan is consistent with the development standards of the PD-4 Zone.
4. The Development Plan and the requested reclassification of the zoning of the Property from R-200 to PD-4 Zone is appropriate for the location and proposes a development that will be compatible with existing and future land uses in the surrounding area.

II. STATEMENT OF THE CASE

The Clarksburg Mews, LLC (“Applicant”) seeks a zoning reclassification identified as G-957 (“Application”) from the R-200 Zone (residential, one-family, one half acre minimum lot size) to the PD-4 Zone (Planned Development, four units per acre) on 24.37 acres of land located on the west side of Frederick Road (MD 355), 1,300 feet north of its intersection with Shawnee Lane and approximately 2,300 feet south of Stringtown Road in Clarksburg (“Property”). The Property consists of two, platted properties identified as part of Lot 21 and Lot 22 on a record plat entitled Garnkirk Farms. The Applicant proposes to develop the Property with a total of 105 units, including one-family detached homes and townhouses. The development includes 13.3 percent MPDU units with a bonus density of 8.2 percent.

Figure-1: The Subject Property



As required under the PD Zone, the Application is accompanied by a Development Plan with detailed specifications related to land use, density, development standards, and staging setting forth the types and maximum number of dwelling units, the location of streets and open spaces, and the overall concept of a residential community. The Applicant initially filed the Application in July of 2013 as a PD-5 rezoning request. The Development Plan was later revised

to reduce the requested density to PD-4 and to address various design and layout issues identified by staff.

The site is entirely within the Clarksburg Special Protection Area (SPA). Under the SPA law (Section 8 of the Water Quality Inventory of Montgomery County Executive Regulation 29-95 – *Water Quality Review for Development in Designated Special Protection Areas*), development projects within an SPA are subject to approval of a Water Quality Plan. The Applicant has submitted a detailed stormwater management concept and a Preliminary Water Quality Plan for review and approval by the Planning Board.

The proposed development is also subject to the Montgomery County Forest Conservation Law requirements under Chapter 22A and a Preliminary Forest Conservation Plan has been reviewed by staff. The Planning Board takes action, separately, on both the Preliminary Water Quality Plan and Preliminary Forest Conservation Plan before it makes a recommendation on the rezoning request and the Development Plan.

III. BACKGROUND

A. The Subject Property

The Property is irregularly shaped and consists of two undeveloped properties; part of Lot 21 and Lot 22, Garnkirk Farms, with a total gross area of 24.37 acres. It is located on the west side of Frederick Road (MD 355), 1,300 feet north of its intersection with Shawnee Lane in Clarksburg. The site's topography is generally sloping and it contains two streams, several wetland areas and flood plains. Approximately 99 percent (24.19 acres) of the Property is covered with forest.

B. Surrounding Neighborhood

The area surrounding the Property is bounded as follows:

North: Stringtown Road

East: Seneca Creek

West: I-270

South: Shawnee Lane and Foreman Boulevard

The surrounding area ("neighborhood") is predominantly residential within the Gateway Commons, Garnkirk Farms and Clarksbrook Estates subdivisions with a small area of CRT-0.75 zoned properties along Stringtown Road at the northeast corner of the neighborhood. The neighborhood also contains a church located on the west side of MD 355 and a small enclave of employment-office use zoned EOF (the Gateway 270 Corporate Office) located along the western edge adjacent I-270.

Future development plans for the area include the Master Plan-recommended MD 355 Road alignment and a recently approved 392-unit mixed residential development, Garnkirk

Farms. A large part of the western portion of the Property is within a stream buffer and the entire neighborhood, as defined by staff, is within the Clarksburg Special Protection Area.

Nearby residential uses immediately outside of the southwest boundary of the neighborhood, across Shawnee Road, include the 250-unit Gallery Park townhomes, a moving company, a Board of Education bus depot and Clarksburg High School.

Figure 2: Vicinity Map-Surrounding Neighborhood



C. Planning and Zoning History

The Property was zoned to the R-R Zone during the 1958 Countywide Comprehensive Zoning. In October of 1973, Text Amendment 73013 renamed the R-R Zone as the R-200 Zone. The 1994 *Clarksburg Master Plan and Hyattstown Special Study Area (G-710)* retained the Property's R-200 zoning. The land use element of the Master Plan placed the Property in the Transit Corridor District with recommended residential development density of two to four units per acre.

IV. PROPOSED DEVELOPMENT

A. Development Concept

The Application is a request to rezone the Property from the R-200 Zone to the PD-4 Zone. As proposed by the Applicant, the site would be constructed with a total of 105 residential units, including 21 single-family detached and 84 single-family townhouse units. Fourteen of the total 105 units are MPDUs. The Applicant proposes to dedicate 1.74 acres of land for right-of-way for the future construction of MD 355 alignment on the Property's frontage along MD 355 (East) and the Property's frontage along Observation Drive (west). The Applicant also proposes reservation of 1.68 acres of land at the northwest corner of the Property for the Master Plan recommended future alignment of MD355 and Roberts Tavern Drive. The Applicant contends that the dedication/reservation of the right-of-way will take place upon the determination, by the responsible agencies, of the ultimate right-of-way in relation to the Property. The Applicant's proposal to put the said portion of the Property in reservation differs from the Planning Department staff's preference for dedication of the land. The issue of reservation or dedication will be further analyzed and determined at the Preliminary Plan review stage.

B. The Development Plan and Binding Elements

Development under the PD-4 Zone is permitted in accordance with a Development Plan that is approved by the District Council when the Property is classified to PD-4. Under the applicable portions of Section 59-D-1.3, the proposed Development Plan must contain the following, in addition to any other information that the Applicant considers necessary to support the Application:

- (a) A natural resources inventory*
- (b) A map showing the relationship of the site to the surrounding area and the use of adjacent land.*
- (c) a land use plan showing:*
 - (1) The general locations of the points of access to the site.*
 - (2) The locations and uses of all buildings and structures.*
 - (3) A preliminary classification of dwelling units by type and by number of bedrooms.*
 - (4) The location of parking areas, with calculations of the number of parking spaces.*
 - (5) The location of land to be dedicated to public use.*
 - (6) The location of the land which is intended for common or quasi-public use but not proposed to be in public ownership*
 - (7) The preliminary forest conservation plan*
- (d) A development program stating the sequence of proposed development*
- (e) The relationship, if any, to the County's capital improvements program*
- (f) Not applicable*
- (g) Not applicable*
- (h) the density category applied for as required in subsection 59-C-7.14 (a)*

- (i) *If a property proposed for development lies within a special protection area, The Applicant must submit water quality inventories and plans and secure required approvals in accordance with Article V of Chapter 19. The development plan should demonstrate how any water quality protection facilities proposed in the preliminary Water Quality Plan can be accommodated on the property as part of the project.*

Certain elements of the Development Plan, as well as the included Land Use Plan, are binding on the Applicant except where particular elements are identified as illustrative or conceptual. The development is subject to Site Plan review by the Planning Board, and changes in details may be made at that time. As stated in many prior Hearing Examiner findings:

“..illustrative and conceptual elements may be changed during site plan review by the Planning Board, but the binding elements (i.e. those that the District Council will consider in evaluating compatibility and compliance with the zone) cannot be changed without a separate application to the District Council for a development plan amendment”

The Development Plan specifies that the layout and building location, types, footprints and roadway alignments shown on the plan are illustrative. The intent of this language is to allow for minor shifts in lot lines and building locations during Preliminary Plan and Site Plan review. The “Development Plan Notes” specifies (in language that is not described as illustrative, and therefore is binding) the number of units, unit mixes, density, and MPDU summary.

The Development Plan in this case fulfills the requirements of Section 59-D-1.3 by showing access points, approximate location of proposed buildings and structures, preliminary classifications of dwellings by number of bedrooms, parking areas, intended right-of-way dedications for MD 355, Roberts Tavern Drive and Observation Drive as well as internal streets (Dowden Station Way, Dowden Park Circle and Dowden Green Way), common use areas (recreation areas, forest conservation and stream buffer areas, playground and seating areas).

Development Plan (cont)

GENERAL NOTES

1. Boundary information shown hereon is based on a survey prepared by: Macris, Hendricks & Glascock, PA.
2. Subject properties are located within the Clarksburg Special Protection Area.
3. Subject properties are tributary to Little Seneca Creek; this portion of the Little Seneca Creek watershed is designated as Use Class IV-P by the State of Maryland.
4. Subject properties are not located within a Special Flood Area as indicated on Flood Insurance Rate Map for Montgomery County Maryland, Map Number 24031C0160D, not printed.
5. Subject properties do contain non-tidal wetlands and their associated buffers as indicated on the Natural Resources Map / Forest Stand Delineation prepared by Macris, Hendricks & Glascock, PA.
6. Subject properties are not identified in the Locational Atlas and index of Historic Sites.
7. Subject properties are not identified in the Master Plan for Historic Preservation.
8. Subject properties are not located within an incorporated municipality.
9. Subject properties are not located within a Special Taxing District.
10. Subject properties are located within the Clarksburg School Cluster.
11. Property lines and areas shown hereon are subject to adjustment at the time of Subdivision Record Plat computation.
12. The building locations, types, footprints and roadway alignments shown on this Development Plan are illustrative only and are not intended to be construed as binding elements.

DEVELOPMENT PLAN NOTES

1. Densities, use, and mix of housing types are as specified in the following table:

USES PERMITTED			
Residential	Number of Units	Number of Bedrooms	Parking Spaces
Detached	21	4 to 6	42
Attached	84	3 Min.	168
Commercial	Gross Floor Area		Parking Spaces
None	n/a	n/a	n/a
Other Uses	Gross Floor Area		Parking Spaces
None	n/a	n/a	n/a

2. Impervious Area to be up to 32 percent. This impervious area does not include Master Planned Roadways.
3. Right-of-Way for the following Master Plan Roadways is to be dedicated for public use at a specified time to be determined by the applicant and appropriate Government agencies:
 - a. A-19 Observation Drive / CCT
4. Right-of-Way for the following Master Plan Roadways is to be held in Reservation in accordance with Section 50-31 of the County Code at a specified time to be determined by the applicant and appropriate Government agencies:
 - a. A-251 Frederick Road (MD 355) & Roberts Tavern Drive / Old Frederick Rd. (B-1)
5. Dowden's Green Way to be a public road all other on-site roadways are to be private.
6. Dowden's Station Way is to be a private roadway constructed to public secondary roadway standards
7. Off-Street parking shall be provided in accordance with the requirements of Section 59-E.
8. Proposed Master Plan Road improvements are by others and subject to change per final engineering.
9. Outlots A & B are to remain in the ownership of the Applicant.
10. Outlots C & D, as well as those portions of A-251 and B-1 which are within the boundaries of the subject property, are part of the Reservation Area.
11. The Applicant reserves the right to access MD 355 via Dowden's Station Way (Interim Access) through the Reservation Area.
12. The Applicant reserves the right to amend this Development Plan in the Reservation Area once the final alignments for A-251 and B-1 have been determined; this amendment may include additional units and uses.

<p>COMPATIBILITY (59-C-7.15) (a) All uses must achieve the purposes set forth in section 59-C-7.11 and be compatible with the other uses proposed for the planned development and the other uses existing or proposed adjacent to or in the vicinity of the area covered by the planned development. (b) In order to assist in accomplishing compatibility for sites that are not within or in close proximity to a central business district to transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone: 1) No building other than a one-family detached residence can be constructed within 100 feet for such adjoining land; and (2) No building can be constructed to a height greater than its distance from such adjoining land.</p>		
	100 ft.	100 ft.
<p>GREEN AREA (59-C-7.16.) Green area must be provided in amounts not less than indicated by the following schedule:</p>		
PD-4	40% or 9.75 Ac.	42% or 10.24 Ac.
<p>NUMBER OF SPACES REQUIRED (59-E-3) Dwelling, One-Family: Two parking spaces for each dwelling unit; except, that when the slope between the standard street sidewalk elevation at the front lot line and side lot line adjacent to a street, established in accordance with the county road construction code, and the finally graded lot elevation at the nearest building line exceeds, at every point along the front lot line, a grade of 3 inches per foot, such space shall not be required.</p>		
<p>Therefore; 105 Dwelling Units x 2.0 spaces = 210 SPACES</p>		
TOTAL REQUIRED	210 SPACES	295 SPACES

In addition to the Local Map Amendment review, this Property is subject to other development approval requirements, including approval of a Preliminary Water Quality Plan, a Final Water Quality Plan, a Preliminary Forest Conservation Plan, a Final Forest Conservation Plan, a Preliminary Plan of Subdivision and Site Plan review by the Montgomery County Planning Board.

C. Conformance with the Master Plan

The Land Use Plan of the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* recommends the site for development at two to four dwelling units per acre. The Master Plan identifies the Property as part of the Transit Corridor District, which encompasses 990 acres of land and includes properties traversed by the future transit-way that the Master Plan proposes. The Transit Corridor District includes properties fronting MD 355 that have developed over many decades in accord with traditional patterns—single-family detached lots fronting the road. Maintaining this residential character, while addressing the need for increased traffic capacity along MD 355, is a significant planning challenge in this District.

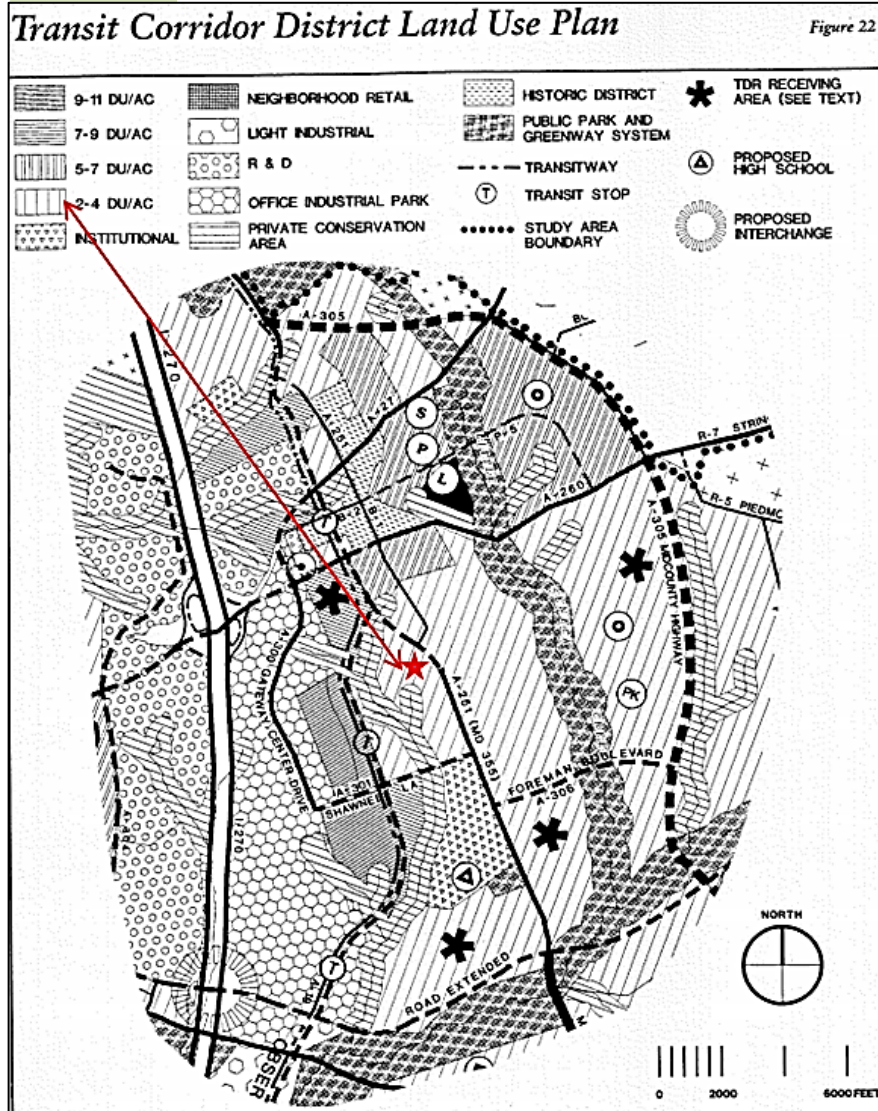
The Master Plan recommends the following land use objectives for the Transit Corridor District:

- Continue the present residential character along MD 355;
- Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain residential character along MD 355;
- Continue the present employment uses along I-270;
- Provide housing at designated areas along the transit-way near significant employment uses;
- Allow small amounts of office and retail uses at transit stop areas as part of a mixed-use development pattern;
- Establish strong pedestrian and bicycle linkages to the greenway;
- Improve east-west roadway connections;
- Provide an open space system that includes small civic spaces at the transit stops.

The Development Plan proposes housing in appropriate areas near transit stations. The Application seeks to introduce development that is compatible with existing residential uses while providing enough density to support transit. The Property is not located in the area slated for the highest densities (9-11 units per acre) which are relegated to the area around the transit stop for the Corridor Cities Transitway. However, development on the Property, which is recommended for two to four dwelling units per acre (1994 *Clarksburg Master Plan and Hyattstown Special Study Area* Figure 22, Page 55) could provide pedestrian access to serve the planned transit station at the intersection of Shawnee Lane and the future Observation Drive. An interconnected street system is essential in achieving a walkable and transit serviceable community that can be logically connected to adjacent properties.

Like many of the properties in the Transit District, the Property has frontage on MD 355. To reinforce residential character, the Master Plan seeks to maintain the predominant pattern of homes facing MD 355 (Page 55). This proposed Development Plan conforms to this lot pattern by placing detached homes with frontage along MD 355 and access from the rear through an alley.

Figure 4



Source: 1994 Clarksburg Master Plan and Hyattstown Special Study Area

The Master Plan also provides guidance in terms of environmental quality. The Master Plan, through the recommendations of environmental studies, deems it essential for stream buffers in the watershed to remain forested for water quality purposes as well as environmental reasons (Master Plan Page 144). In order to achieve these environmental standards, the Master Plan “strongly encourages” stream buffers to be extended to 175 feet which exceeds the 125 feet standard steam buffer used in the majority of the county. This buffer increase is also designed to allow trees to regenerate in areas not presently wooded. The Application generally attempts to follow the strong guidance of the Master Plan by providing the 175 foot buffer and in some case exceeding this standard. However, there are multiple areas bordering townhouse sites and roads where the standard cannot be implemented due to topographic constraints. The Application proposes a pedestrian connection and bike path system through the environmental buffer to a future section of Observation Drive which will ultimately

provide safe and efficient access to the future Corridor City Transit way (CCT) transit station.

Because the proposed change in zoning furthers these objectives, the proposal is in conformance with the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*.

D. Public Facilities

a. Transportation

The County's Subdivision Staging Policy and the Adequate Public Facilities Ordinance (APFO) require an assessment of whether the transportation infrastructure, schools, water and sewage facilities, and police, fire and health services will be adequate to support the proposed development, and whether the proposed development will adversely affect these public facilities. Moreover, Section 59-H-2.4(f) of the Zoning Ordinance (in effect on October 29, 2014), requires the Applicant to produce sufficient information to demonstrate a reasonable probability that available public facilities and services will be adequate to serve the proposed development under the Subdivision Staging Policy standards in effect when the Application is submitted.

Local Area Transportation Review (LATR)

The proposed 105 residential unit (21 single-family detached units and 84 attached units) development will generate the following number of peak-hour trips:

- 97 peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.)
- 113 peak-hour trips within the evening peak period (4:00 and 7:00 p.m.)

A traffic study (dated July 26, 2013) was submitted to satisfy the LATR test because the total number of site-generated peak-hour trips will exceed 29 (30 or more). The traffic study was prepared before the current unit mix was determined and the original unit mix would generate approximately 12 percent more peak-hour trips than the current unit mix. Based on the traffic study results, the capacity/Critical Lane Volume (CLV) values at the studied intersections are shown in Table A for the following traffic conditions:

Table A – Critical Lane Volumes

Studied Intersection	Traffic Condition					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Frederick Road & Stringtown Road	952	1,075	1,104	1,307	1,156	1,343
Frederick Road & Foreman Boulevard	974	998	1,065	1,143	1,072	1,152
Frederick Road & Site Access	----	----	----	----	763	877

As indicated in Table A above, the calculated CLV values do not exceed the CLV standard of 1,425 for the Clarksburg Policy Area, and, thus, the LATR test is satisfied for the probable fruition of the future Adequate Public Facilities (APF) test that will be done when a Preliminary Plan is filed for the site.

Site Access Gap Analysis from Frederick Road

The policy and standards for gap analyses include the following:

- An established Policy Area Review Level of Service (LOS) for the Clarksburg Policy Area is an LOS of mid-D. An average of mid-D or less corresponds to the Clarksburg Policy Area standard for roadway adequacy of “suburban.”
- The corresponding LOS of mid D is equivalent to 30 seconds of average delay at unsignalized intersections as specified on Exhibit 17-2, page 17-2, of the Transportation Research Board’s (TRB) “Highway Capacity Manual.”
- The time gaps at designed speed on major road for passenger cars are as follows:
 - 7.5 seconds for left turns from the minor street/access road
 - 6.5 seconds for right turns from the minor street/access road
 - 5.5 seconds for left turns from the major street/Frederick Road

These standards are specified on Table 9-5, page 9-37 in the 2011 American Association of State Highway and Transportation Official’s (AASHTO) “A Policy on Geometric Design of Highways and Streets”. These time gaps represent the minimum acceptable time gaps for turns to/from along the two-lane segment of MD 355 to/from the site’s interim access road.

A Gap Study was conducted for the site’s interim access road (i.e., located near the intersection formed by the Roberts Tavern Drive right-of-way) from Frederick Road. Based on field data collected on September 2014, the number of acceptable time gaps compared to the projected traffic volume demand is as follows:

Table-B: Gap Study Results

Turning Movement	AM Peak Hour		PM Peak Hour	
	Observed Gaps	Demand	Observed Gaps	Demand
Left Turns from the Site Driveway onto MD 355	78	54	181	33
Right Turns from the Site Driveway onto MD 355	140	7	531	4
Left Turns from MD 355 into the Site’s Driveway	236	2	837	9

Source: Applicant’s Gap Study: data collected on September 14, 2014

Thus, the number of acceptable time gaps exceeds the projected traffic volume demand; therefore there are sufficient gaps in traffic to accommodate the estimated vehicle generation associated with the site.

Transportation Policy Area Review (TPAR)

The Property is located in the Clarksburg Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Clarksburg Policy Area is inadequate under the transit test; therefore, a TPAR payment of 25 percent of the General District Transportation Impact Tax is required. The adequacy of the roadway and transit tests in the Clarksburg Policy Area will be reanalyzed and may be different at the time of a future Preliminary Plan review. The timing and amount of the payment will be in accordance with that set in Chapter 52 of the Montgomery County Code.

Issues to be addressed at Preliminary Plan and Site Plan reviews

1. The proposed land use must not exceed 105 residential units (21 single-family detached units and 84 attached units).
2. When a Preliminary Plan is filed, the Applicant must update the submitted traffic study with current intersection turning movement counts to satisfy the Local Area Transportation Review test.
3. When a Preliminary Plan is filed, the Applicant must dedicate the rights-of-way for the following master-planned roads that are adjacent or through the subject site:
 - a. Observation Drive (A-19): Part of the recommended 150-foot right-of-way that is within the property;
 - b. Roberts Tavern Drive (A-251): Part of the recommended 120-foot right-of-way that is within the property;

- c. Frederick Road (A-251): Part of the recommended 120-foot right-of-way that is within the property from Roberts Tavern Drive to southern boundary of the subject site;
 - d. Frederick Road (B-1): 50 feet from its centerline north of the Roberts Tavern Drive (A-251) to northern boundary of the site.
4. The Applicant must obtain site access permits to the existing Frederick Road (MD 355):
 - a. Permits from Montgomery County Department of Transportation (“MCDOT”) to construct an interim private driveway between the site access and the existing Frederick Road within the public right-of-way;
 - b. Permits from the State Highway Administration (“MDSHA”) for the proposed curb cut from the existing Frederick Road for the interim driveway. The applicant also shall work with SHA to determine if any improvements are needed on Frederick Road to accommodate the site generated vehicle traffic;
 - c. Prior to recordation of any Plat, a covenant shall be entered into the land records for a pro-rata contribution towards the construction of the four-lane Roberts Tavern Drive alignment/right-of-way that fronts along the site.
 5. The Applicant must work with MCDOT’s Rapid Transit System Development Coordinator regarding the latest planning for the Bus Rapid Transit (BRT) corridor along the MD 355 North Corridor.
 6. The Applicant must work with the Maryland Transit Administration’s (MTA) Corridor Cities Transitway (CCT) project manager regarding the latest MTA’s alignment and design of CCT on Observation Drive.

b. School Capacity

The Property is located within the Clarksburg High School cluster where, according to the FY 2016 SSP, there is insufficient classroom space at the elementary and high school levels. It is worth mentioning that if the development were to be approved as a Chapter 50, Preliminary Plan in FY2016, it would be subject to a School Facility Payment at the elementary and high school levels, and at the respective one family attached and one family detached rate. However, the School facility Payment is not applicable at the time of rezoning.

The Long Range Planning Division of the Montgomery County Public Schools (MCPS) indicated that the proposed development of 105 dwelling units will generate 29 elementary, 12 Middle School, and 14 high school students. The current SSP schools test finds that the school luster will exceed capacity at all three levels within the six-year Capital Improvements Program (CIP).

MCPS also indicated that a site for a new elementary school in the Clarksburg Cluster has been approved, with an opening date to be determined in a future CIP. A new middle school is scheduled for a completion date of August 2016. A classroom addition at Clarksburg High School is scheduled to open in August 2015. A revitalization/expansion project for Seneca Valley High School is recommended for completion in August 2018; the school will be designed with excess capacity to accommodate students from the Clarksburg cluster. The

Seneca Valley High School service area is adjacent to the Clarksburg High School service area.

c. Water and Sewer Service

The Property is not currently served with public water or sewer. However, the Property is within the water and sewer service envelope recommended in the Master Plan (Figure 51, page 202) and the use of public (community) water service for the project is consistent with the existing W-1 water category designated for this site. The use of public (community) sewer service is also consistent with the existing S-3 sewer category designated for the Property. The requested zoning change from R-200 to PD-4, if approved, should not affect this site's existing eligibility for public water and sewer service. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.

E. Environment

Consistency with Environmental Guidelines

The Applicant's Natural Resources Inventory/Forest Stand Delineation (NRI/FSD #420132130) was approved by Technical Staff on April 21, 2014. The Property contains a network of stream valleys, wetlands and drainage swales that direct runoff to the south. Properties containing this stream valley to the north and west have developed, at which time the stream valleys were placed in conservation easements to meet forest conservation and environmental buffer guidelines.

The Property is within the Little Seneca Creek watershed and drains to an unnamed tributary to Little Seneca Creek beginning on the west side of the Property. Stream valley buffers make up approximately 39 percent of the site. The Property has two different forest areas. The first, on the western side of the Property is a mature, stable ecosystem with many specimen trees and is high priority for retention. The eastern forest is only about 35 years old and has many invasive species. Outside of the stream and wetland buffer area, this forest is considered a moderate priority for retention.

The unnamed tributary to Little Seneca Creek has two branches that flow from the north with the confluence on the Property. This confluence area forms a much larger stream that takes a great deal of flow along a wide, braided stream system. This wide area of the stream is interlaced with seeps, springs and wetlands. It is in this location that the Applicant proposes to cross the stream with a 280 foot long, 35-foot wide bottomless culvert. The opening in the culvert is 40-feet wide to allow the stream flow to pass through. But due to the wide nature of the stream in this location, its dynamic character of meandering across the floodplain and the adjacent wetlands, this structure may have permanent impacts to this system.

As currently designed, the stream will have to be realigned, narrowed, and channelized to insure that the stream is permanently flowing toward the culvert opening and remaining within the 40-foot width for a minimum of 35 feet. In order for this crossing to be approved,

the details of the design must be analyzed to avoid or further minimize impacts to the stream, associated wetlands, and allow the stream to naturally meander across the floodplain unimpeded (please see attached Preliminary Forest Conservation Plan and Water Quality Plan memorandum for a detailed analysis).

Preliminary Water Quality Plan

The Property is entirely within the Clarksburg Special Protection Area. Under the SPA law (Section 8 of the Water Quality Inventory of Montgomery County Executive Regulation 29-95 – *Water Quality Review for Development in Designated Special Protection Areas*), development projects within an SPA are subject to approval of a Water Quality Plan. Under the SPA law, the MCDPS and the Planning Board have different responsibilities in the review of the Water Quality Plan. Department of Permitting Services reviews and conditionally approves the elements of the final Water Quality Plan under its purview (e.g. stormwater management, sediment and erosion control, etc.), while the Planning Board determines whether the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements, have been satisfied.

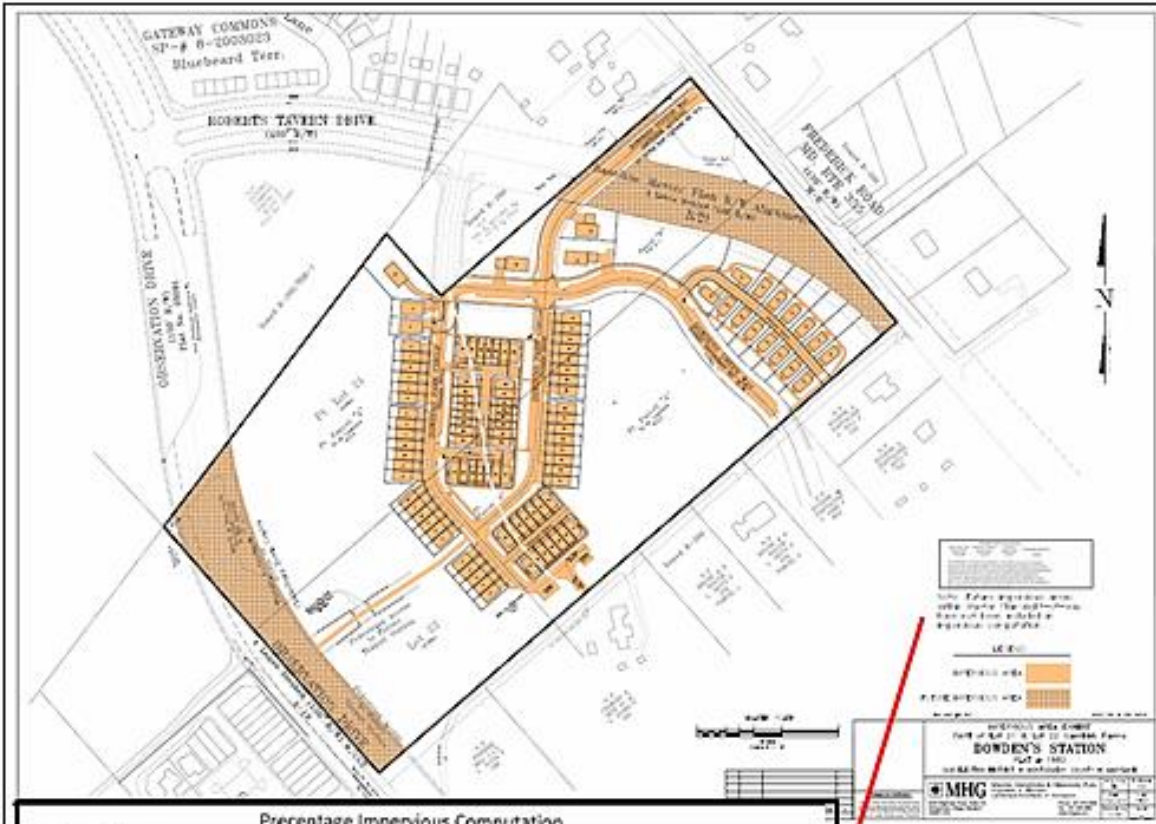
Staff has recommended approval of the Preliminary Water Quality Plan with a number of conditions. MCDPS conceptually approved the portion of the applicant's Preliminary Water Quality Plan under its purview on June 11, 2015. The MCDPS conceptual approval included a list of performance goals and conditions that the Applicant must address in the submission of the Final Water Quality Plan.

As noted earlier, Staff is concerned about potential impacts of the sewer outfall on the streams the environmental features and ecological quality associated with the proposed project. Adequacy of the design features proposed to mitigate these impacts would be analyzed and additional measures and alternative designs would be evaluated and modified at the Preliminary Plan review of the case, where the scope of the review process calls for a wider and more extensive participation and coordination by involved agencies.

Impervious Surface

The Applicant's revised Impervious Area Exhibit (May 2, 2015) proposes a post-development condition with 5.6 acres of impervious surface. The percent impervious surface shown on the exhibit does not account for right-of-way dedication. Staff has recalculated the impervious percentage by using the same impervious acreage shown on the exhibit. The post development impervious percentage of the site is 26.0 percent of the 21.57-acre net tract area. The Applicant anticipates the need for additional impervious area (up to 32 percent) as the site development process continues. A future impervious exhibit will include additional elements such as accel/decel lanes, a turn lane on MD 355, site amenities such as play areas and pedestrian connections, additional parking spaces, modified dwelling unit size and a wider pedestrian connection across the tributary of Little Seneca Creek. For these reasons the Applicant has proposed that the final impervious acreage may increase from 5.6 acres to a total of approximately 7.8 acres. Staff believes this could bring the impervious percentage to approximately 36 percent. (*see attached Water Quality/Forest Conservation memorandum of June 26, 2015*).

Figure-5 Impervious Area



Percentage Impervious Computation

Gross Tract Area (Square Feet)	Impervious Surfaces (Square Feet)	Allowance (Square Feet)	Percentage Impervious
1,061,688	243,962	95,775	32.00%

The "Allowance" in the above computation is included to account for anticipated imperviousness that will be added to the project during the subdivision and site plan processes. We anticipate that as the plans for this project are refined and become more detailed additional impervious surfaces (site amenities, additional pedestrian connections, additional guest parking, hard surface play areas, dwelling unit sizes, patios, etc.) will be added in response to staff and agency comments. The "allowance" above represents less than 10 percent of the site area.

Note: Future impervious areas within Master Plan right-of-way have not been included in impervious computation.

LEGEND

IMPERVIOUS AREA

FUTURE IMPERVIOUS AREA

Forest Conservation

The Applicant has submitted a Preliminary Forest Conservation Plan (PFCP) for review as part of the rezoning request. The PFCP shows 13.3 acres of forest clearing and 8.17 acres forest retention. No forest mitigation is required due to the high level of forest retentions. Staff has reviewed the PFCP and finds that it meets the basic parameters of the Forest Conservation Law. The Applicant has submitted a variance request for the removal of nine specimen trees and impacts to the critical root zones of six specimen trees.

Staff recommends approval of the proposed PFCP and the variance request with conditions. (see attached *Water Quality/Forest Conservation memorandum of June 26, 2015*).

V. ZONING AND REQUIRED FINDINGS

B. Approval by the District Council –Findings 59-D-1.61

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

59-D-1.61(a)

The proposed development plan substantially complies with the use and density indicated by the master plan or sector plan, and does not conflict with the general plan, the county capital improvements program, or other applicable county plans and policies.

The requested reclassification of the PD-4 Zone substantially complies with the recommendations contained in Master Plan. As noted, the Master Plan recommends two to four dwelling units per acre for the Property. The proposed 105 units, including 14 (13.33%) MPDUs with 8.2 percent bonus density are within the maximum density allowed in the PD-4 Zone. The proposed development will not conflict with the County's Capital Improvements Program (CIP) or other applicable County plans and policies.

The Development Plan indicates that the structures shown on the Plan are conceptual and that the final lot configurations and setbacks will be determined at Preliminary Plan and Site Plan review. The approved stormwater management system is also conceptual and details of its features may change at subsequent review stages. The project is not dependent upon the County's Capital Improvements program for infrastructure improvements..

The sewer outfall from the project has raised some concerns from staff with respect to potential impact to environmental features, in particular to the vitality of the stream valley on and near the Property. The issue will be a major feature of the Final Water Quality Plan approval review at Preliminary Plan, in terms of design, impact on the stream and environmental features, capacity and other related issues. Effective resolution of the issues will require collaboration among several agencies of the county including, the Planning

Department, the Department of Environmental Protection, WSSC, and the Department of Permitting Services. Preliminary findings can be found in attachment B of the Water Quality Plan memo. Moreover, compliance with the recommended Preliminary Water Quality Plan conditions, coupled with the outcome of the Final Water Quality Plan review could possibly trigger a Development Plan Amendment.

59-D-1.61(b)

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

The Development will comply with the purpose, standards, and regulations of the Zone.

i. Purpose of the PD Zone: 59-C-7.11

It is the purpose of this zone to implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a right under conventional zoning categories. In so doing, it is intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.

Reclassification of the Property from the R-200 Zone to the PD-4 Zone satisfies the design, housing, amenity, circulation, and other purposes of the PD Zone. Staff finds that development of the site under the PD-4 Zone is proper for the comprehensive and systematic development of the County, will accomplish the purposes of the Zone, and will be in substantial compliance with the General Plan and the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* that recommends the development of the site with two to four units per acre. Although the Property is encumbered with various environmental challenges that are direct results of slopes, stream buffers and Master Plan roads that take up much of the Property's frontage, the Property provides a mix of unit types with adequate setbacks, shared private streets and alleyways, protection of the environment and amenities that could not be achieved under the existing conventional zoning.

It is further the purpose of this zone that development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities.

The proposed development would encourage and facilitate a maximum of social and community interaction and activity. The Application provides for a central community space for social gathering and recreational area, seating areas, a playground, a trail system and open space. The development is located within a walking distance to a future transit station and provides a pedestrian access to the station.

Although the specific details of the proposed culvert at the western portion of the property, adjacent to the future Observation Drive, will not be determined until the Site Plan stage of the review, it is designed to provide as a pedestrian access to the future transit station that was planned to be located on the east side of Observation Drive at its intersection with Shawnee Lane south of the Property.

The proposed development would not include commercial uses but it would contribute to the overall balance of employment and residential uses in the planning area. It also provides a smooth transition from the higher density residential developments (Garnkirk Farm and Gallery Park residential developments) west of MD 355 to the less dense residential developments east of MD 355, within the neighborhood.

Figure-6: Proposed Arch Culvert and pedestrian access (illustration)



It is furthermore the purpose of this zone to provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types.

The development provides two types of residences- single-family detached (21) and townhomes (84). Given the size of the Property and its location within the immediate neighborhood, the proposed mix of housing types is appropriate and is in accordance to the PD-Zone Category specification (Medium low, less than 200 units). The project will provide 13.3 percent of MPDUs with 8.2 percent bonus density, which will result in one additional MPDU.

Additionally, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees and, in order to do so, minimize the amount of grading necessary for construction of a development.

It is further the purpose of this zone to encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development.

The Property is entirely covered by forest. The proposed development would preserve approximately 37 percent or 7.67 acres of forest in an area between the proposed development and the adjacent future Observation Drive abutting the property to the west. About 6.9 acres of the forest is retained within the stream valley buffer. The project also provides for open space including green areas, a multi-age playground and a community gathering area. Despite the serious challenges that the slopes throughout the Property present, significant efforts have been made to minimize grading.

It is also the purpose of this zone to encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities, and thereby minimize reliance upon the automobile as a means of transportation.

The Development Plan proposes for a network of pedestrian paths to facilitate connectivity between nearby developments and the proposed future transit station at Shawnee Lane and Observation Drive, southeast of the Property. The network of pedestrian paths proposed by the Development Plan will reduce reliance upon automobile.

Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which offer opportunities for a wider range of related residential and nonresidential uses, it is therefore the purpose of this zone to encourage development on such a scale.

The PD Zone encourages, but does not require, development on a large scale. The Development Plan proposes to create 105-unit community with appropriate mix of townhouses and single-family detached homes at a scale that realizes the purpose of the

zone. The proposed scale is also large enough to provide forested areas, open spaces, and play areas.

It is further the purpose of this zone to achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.

The proposed interim access ways and internal circulation systems will be adequate and safe. Despite the fact that a good portion of the frontage is dedicated to accommodate the future alignment of MD 355 as recommended by the Master Plan, the Proposed Project is designed in a manner that would facilitate social and community interaction, create distinct visual character and aesthetics,. The Development also provides provide a maximum pedestrian and vehicular linkage. for a network of pedestrian trails, bike paths, sidewalks and internal road system designed to facilitate connections with future developments on adjacent properties.

The proposed development would provide safe and convenient roadway, and internal circulation systems including sidewalks and pathways. The provision of single-family detached dwellings along the Property's frontage on MD 355 blends well and is compatible with the existing low density residential character of the area between Stringtown Road to the north and Shawnee Lane to the south, fronting MD 355 (east), which is defined by detached single-family homes. Moreover, the project ,which is adjacent to a 392-unit mixed-unit residential development on a PD-11 zoned property (Garnkirk Farms) to the west provides an ideal transition from a more intense PD-11 development to the existing single-family homes on the R-200 TDR and R-200 zoned properties north, south and east (across MD 355) of the Property.

This zone is in the nature of a special exception, and shall be approved or disapproved upon findings that the application is or is not proper for the comprehensive and systematic development of the county, is or is not capable of accomplishing the purposes of this zone and is or is not in substantial compliance with the duly approved and adopted general plan and master plans. In order to enable the council to evaluate the accomplishment of the purposes set forth herein, a special set of plans is required for each planned development, and the district council and the planning board are empowered to approve such plans if they find them to be capable of accomplishing the above purposes and in compliance with the requirements of this zone.

Based on the reasons stated in the findings for the preceding paragraphs, staff finds that the Application is proper for the comprehensive and systematic development of the County; will successfully accomplish all the purposes of the zone; and is in substantial compliance with the Master Plan.

ii. Standards and Regulations of the PD Zone

1. 59-C-7.12. Where applicable.

- a. 59-C-7.121. Master plan. No land can be classified in the planned development zone unless such land is within an area for which there is an existing, duly adopted master plan which shows such land for a density of 2 dwelling units per acre or higher.**

The Property is governed by the approved and adopted 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*, which recommended a density of two to four dwelling units per acre. The Application satisfies this requirement.

- b. 59-C-7.122. Minimum area. No land can be classified in the planned development zone unless the district council finds that the proposed development meets at least one of the following criteria:**

- (a) That it contains sufficient gross area to construct 50 or more dwelling units under the density category to be granted;**
(b) That it would be a logical extension of an existing planned development;
(c) That it would result in the preservation of an historic structure or site (as indicated on the current historic sites identification map or as recommended by the planning board as being of historic value and worthy of preservation);
(d) That the accompanying development plan would result in the development of a community redevelopment area;
(e) That the site is recommended for the PD zone in an approved and adopted master or sector plan and so uniquely situated that assembly of a minimum gross area to accommodate at least 50 dwelling units is unlikely or undesirable and the development of less than 50 dwelling units is in the public interest.

The proposed development is consistent with the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*, which recommends the Property for development at a density of 2 to 4 dwelling units per acre. At 24.37 acres, the Property contains sufficient gross area to permit the proposed construction of up to 105 dwelling units. Items (b) through (d) of this requirement are not applicable to the Application.

2. 59-C-7.13. Uses permitted

59-C-7.131. Residential. Pursuant to section 59-C-7.131, all types of residential uses are permitted, but parameters are established for the unit mix. A PD-4 development with less than 200 units must have at least 10 percent detached One-family units, 40 percent townhouse and attached unit and 15 to 30 percent 4-story

or less units (one story attached units may be substituted for all or part of this requirement)

The proposed Development Plan provides for 19 percent detached single-family dwellings and 81 percent townhouses, satisfying this requirement.

Table 1: Density Category/Development Size/Percentage required

		Minimum (maximum) percentage					
		One family*				Multiple-Family ²	
Density category	Size of Development(units)	Detached		Townhouse and Attached		4-Story or Less ⁴	
		Required (min)	Proposed	Required (min)	Proposed	Required	Proposed
Medium Low: PD-4, PD-5 & PD-7	Less than 200	10	21	40	84	15 min 40 max	

² If the minimum percentage would yield a total of 150 multiple-family dwelling units or less, this requirement does not apply and no such units are required.

⁴ One-family attached units may be substituted for all or part of this requirement”

59-C-7.132 (a)(b)(c). Commercial:

Pedestrian-Oriented local Commercial facilities not indicated on the Master Plan for the area in which the proposed development is located may be permitted at the discretion of the district council.....

No commercial uses are proposed as part of this Application. Commercial uses are permitted but not required under the PD Zone. Moreover, in the particular area where the Property is located, the Master Plan offers the following recommendation:

The predominant pattern of development along MD 355 in this district is residential, with the majority of the homes fronting MD 355. To help reinforce the existing residential character along MD 355, this Plan recommends densities ranging from two to four units per acre. (page 54)

The fact that the development is exclusively residential is in keeping with the Master Plan’s objectives for the portion of the transit corridor district within which the Property is located.

59-C-7.133. Other uses.

(a) Noncommercial community recreational facilities which are intended exclusively for the use of the residents of the development and their guests may be permitted.

All proposed recreational facilities are intended exclusively for the use of the residents of the development and their guests.

The remaining Subsections, (b) through (e) of 59-C-7.133, are not applicable to this Application.

3. 59-C-7.14. Density of residential development

(a) An application for the planned development zone must specify one of the following density categories and the district council in granting the planned development zone must specify one of the following density Categories:

Table-2: Maximum Density PD-4

Density Categories	Max. Density (du/ac)
Medium low PD-4	4

As noted, the Master Plan recommends two to four units per acre for the Property, which is the basis for the proposed development under PD-4 Zone standards and requirements. The Applicant is requesting the PD-4 Zone. The Applicant is proposing 105 units including 14 MPDUs

(b) The District Council must determine whether the density category applied for is appropriate, taking into consideration and being guided by the general plan, the area master or sector plan, the capital improvements program, the purposes of the planned development zone, the requirement to provide moderately priced dwelling units in accordance with Chapter 25A of this Code, as amended, and such other information as may be relevant. Where 2 or more parts of the proposed planned development are indicated for different densities on a master plan, a density category may be granted which would produce the same total number of dwelling units as would the several parts if calculated individually at the density indicated for each respective part and then totaled together for the entire planned development.

The density category applied for is appropriate, taking into consideration and being guided by the general plan, the area Master Plan, the capital improvements program, the purposes of the PD Zone, and the requirements to provide moderately priced dwelling units in accordance with Chapter 25A.

(c) The density of development is based on the area shown for residential use on the master plan and must not exceed the density permitted by the density category granted. However, the maximum density allowed under subsection (a) may be increased to accommodate the construction of Moderately Priced Dwelling Units and workforce housing units as follows:

(1) For projects with a residential density of less than 28 dwelling units per acre, the number of Moderately Priced Dwelling Units must not be less than either the number of bonus density units or 12.5 percent of the total number of dwelling units, whichever is greater.

The Zoning Ordinance places the PD-4 Zone in the Medium Low Density Development category with a maximum of four dwelling units per acre. Given the size of the Property, a total of 97 units (including 12.5 percent bonus density) are allowed. Full development (including the maximum 22 percent bonus density and 15 percent MPDUs) in the PD-4 Zone would permit 118 units. The Applicant proposes a total of 105 units (including 14 MPDUs (13.3%) and 8.2% bonus). The proposed density of development does not exceed the density permitted by the density category granted. The development provides one additional MPDU more than what would be provided if the development would be constructed with only the base density. In return for the additional one MPDU the development gains 7 market units over what is allowed at base density.

(2) For projects with a residential density of more than 28 dwelling units per acre, the number of Moderately Priced Dwelling Units must be at least 12.5 percent of the total number of dwelling units under Chapter 25A.

Not applicable.

(3) Any project with a residential density at or above 40 dwelling units per acre may provide workforce housing units under Section 59-A-6.18 and Chapter 25B.

Not applicable.

4. 59-C-7.15. Compatibility

(a) All uses must achieve the purposes set forth in section 59-C-7.11 and be compatible with the other uses proposed for the planned development and with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.

See findings below under (b).

(b) In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:

- (1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and**
- (2) No building can be constructed to a height greater than its distance from such adjoining land.**

The proposed development is compatible with existing and future land uses in the area in terms of use, density and bulk. The adjacent properties to the north, and south as well as the confronting properties to the east across MD 355 are recommended for, or developed with, one-family detached homes. Adequate setbacks, existing and future roads, and stream valley buffer areas provide sufficient distance and buffering between the development and the adjoining one-family properties. The Development Plan depicts single-family houses on the periphery of the development with a minimum of 100 feet setback from the adjoining existing and future one-family residences and MD 355. The rear portion of the Property (west) backs on to the future Observation Drive which separates the Property from a 392-unit, PD-11 Zoned, mixed-unit residential community. A forested area, with a depth of over 250 feet, including a stream valley buffer area, lays between the back of the proposed townhouses on the Property and the rear property line that is adjacent to the future Observation Drive.

5. 59-C-7.16. Green area.

Green area must be provided in amounts not less than indicated by the following schedule:

Table-3: Density Category Green Area (Percent of Gross Area)

Density Categories	Minimum Green Area % of Gross Area-Required	Minimum Green Area % of Gross Area-Proposed
Medium Low: PD-4	40	42*

**Green area may be reduced at Preliminary Plan and Site Plan reviews*

The Medium Low Density PD-4 Zone requires a minimum green area of 40 percent. The Development Plan proposes 42 percent green area.

6. 59-C-7.17. Dedication of land for public use.

Such land as may be required for public streets, parks, schools and other public uses must be dedicated in accordance with the requirements of the county subdivision regulations, being chapter 50 of this Code, as amended, and the adopted general plan and such adopted master plans and other plans as may be applicable. The lands to be dedicated must be so identified upon development plans and site plans required under the provisions of article 59-D.

The Application satisfies all public use dedication requirements. The Development Plan shows that a total of approximately 1.74 acres of land will be dedicated to public use along the Property's frontages on MD 355 Road. The Development Plan also indicates that the Applicant proposes to put 1.68 acres of land in reservation for the planned road right-of-way alignment. Staff has indicated a preference for dedication of this area over reservation. As noted earlier, the issue of reservation vs dedication will be revisited and discussed in detail and a determination will be made when the case goes through Preliminary Plan review process subsequent to approval of the Application.

7. 59-C-7.18. Parking facilities.

Off-street parking must be provided in accordance with the requirements of article 59-E.

Table-4: Parking Schedule

Unit Type	Number of units	Required spaces per DU	Required No of spaces	Proposed No. of Spaces
Single-family Detached	21	2 sp/du	42	42
Townhouse	84	2 sp/du	168	215 on lots and private streets
Total	105		210	257

8. 59-C-7.19. Procedure for application and approval

(a) An application and a development plan must be submitted and approved under Division 59- D-1.

(b) Site plans must be submitted and approved under Division 59-D-3; however, the installation of a fence, not including a deer fence, on the property of a Private Educational Institution is permitted without a site plan or a site plan amendment, if the fence does not cross a public trail, path, or roadway.

If the proposed zoning reclassification and the accompanying Development Plan are approved, a Preliminary Plan of Subdivision review is required before it is submitted for a Site Plan review.

59-D-1.61 (c)

That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.

The review and analysis of the Application finds the proposed access to the Property, as shown on the Development Plan, to be safe and adequate. Furthermore, the internal pedestrian circulation and walkways, as shown on the Development Plan, provide for a safe and adequate movement of pedestrian traffic.

The Development Plan proposes an interconnected 20-foot private drive (Dowden's Park Circle) and an unnamed private drive. A 60-foot right-of-way (Dowden's Green Way) bisects the Property from north to southeast providing connection to the future Master Plan alignment to the west, future developments to the east, and a 27 foot-wide interim access to MD 355. The Development Plan also proposes a network of sidewalks and trails.

The Development Plan (revision date February 27, 2015) depicts two driveway access points—one from MD 355 which will be the interim driveway until the Master Plan recommended right-of-way alignment is constructed, and another one from the future Robert Tavern Drive, Master Plan row, which will not be constructed until Observation Drive is built and becomes operational. The Master Plan recommends the future Robert Tavern Drive (A-251) for an arterial roadway with an ultimate right-of-way width of 120 feet. The Development Plan shows the future access road intersecting the future Master Plan row on the adjoining property to the north.

As noted in Section III (4) (a) of this report, a Gap Analysis was conducted for the Property's interim access road that is located near the intersection formed by the Roberts Tavern Drive right-of-way from Frederick Road (MD-355). The study, which is based on field data collected on September 2014, reveals that there are sufficient gaps in traffic to accommodate the estimated vehicle-traffic generation associated with the Property.

59-D-1.61 (d)

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

Staff analysis of the proposed development identifies the following concern regarding the proposed preliminary Water Quality Plan:

Impact of proposed culvert

The issue of a sewer outfall leading from the project will be a major feature of the Final Water Quality Plan approval process at Preliminary Plan, in terms of design, impact on the stream and environmental features, capacity and other related issues. The sewer outfall is proposed to run through an arched culvert arch over the stream on the southwest side of the site to tie into a sewer main from the Garnkirk Farms property (east, across the future Observation Drive) that will run along the extension of Observation Drive. In order for this crossing to be supported by staff, it must be designed to avoid or minimize impacts to the stream, associated wetlands, and allow the stream to naturally meander across the floodplain unimpeded.

Direct impact to the stream buffer may also include multiple outfall locations that cut channels through the forested slopes of the stream valleys. The Final Water Quality Plan must show this information. Effective resolution of the issues would require collaboration between several agencies of the county including, the Planning Department, the Department of Environmental Protection, WSSC, and Department of Permitting Services. (See attached Water Quality Plan/Forest Conservation memo June 26, 2015)

Other impacts

- In order to build and engineer Dowden's Green Way (internal public road with 60-foot r-o-w) around the second stream on the site and an associated wetland, there will be a 10 to 20-foot grade change on three sides of the wetland so that the road and the rear yard of the townhouses will tower above this low area. This may change the groundwater hydrology and could affect the wetland and headwater stream in ways that are unpredictable.
- To stay consistent with the residential only PD Zone development, the impervious levels must stay at less than 30 percent.

59-D-1.61 (e)

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

The Applicant has provided two draft documents as part of the Application—"By-laws For Dowden's Station Homeowner's Association, Inc." and "Declaration of Covenants, Conditions and restrictions for Dowden's Station Homeowner's Association, Inc.".

VI. COMMUNITY OUTREACH

The Applicant indicated that presentations were made on the proposed Rezoning and Development Plan in October of 2013 and in September of 2014. Each of these meetings was held in the community and was attended by approximately a dozen members of the community, as well as at least two MNCPPC staff members. The sessions included discussions, questions and answers on various issues and concerns of the Clarksburg community including the following:

- Proposed density and types of units
- Progress and changes between earlier (PD-5, 140 units) and current plans (PD-4, 105 units)
- Design and layout-open space, environmental areas, pedestrian connections
- Alternatives and options regarding the design of the future MD-355 bypass and Robert Tavern Drive and 355 alignment relative to the Property.

At the time of this writing, no communication has been received from the community either in support or in opposition of the proposed zoning change.

VIII. CONCLUSION

As noted, a number of transportation, environmental and other related issues were identified by the planning staff to be addressed at the later stages of the review process, i.e. Preliminary Plan Review and Site Plan Review. Therefore, the design, layout, and density currently shown on the proposed Development Plan are subject to changes based on the outcome of subsequent reviews. However, staff recognizes the fact that the proposed Development Plan represents a significant improvement over the original plan submitted in 2013 as a PD-5 development, in terms of functionality and aesthetics.

Relative to the requested reclassification to the PD-4 Zone, staff finds that the proposed Local Map Amendment with the associated Development Plan to be consistent with the purpose clause and all applicable standards for the PD-4 Zone, and that it will be in accord with the land use recommendations of the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*. Therefore, staff recommends approval of the PD-4 Zone and the proposed Development Plan. Furthermore, staff recommends approval of the Preliminary Water Quality Plan and Preliminary Forest Conservation Plan with the conditions found in the attached Water Quality and Forest Conservation Memorandum.

VIII. ATTACHMENTS:

- A. Plans and drawings
 - Aerial Photo
 - Development Plan-revised 02/27/15
 - Impervious Area Exhibit
- B. Water Quality and Forest Conservation Memorandum
- C. Letters and other agency comments

LMA/G-957/et/62515

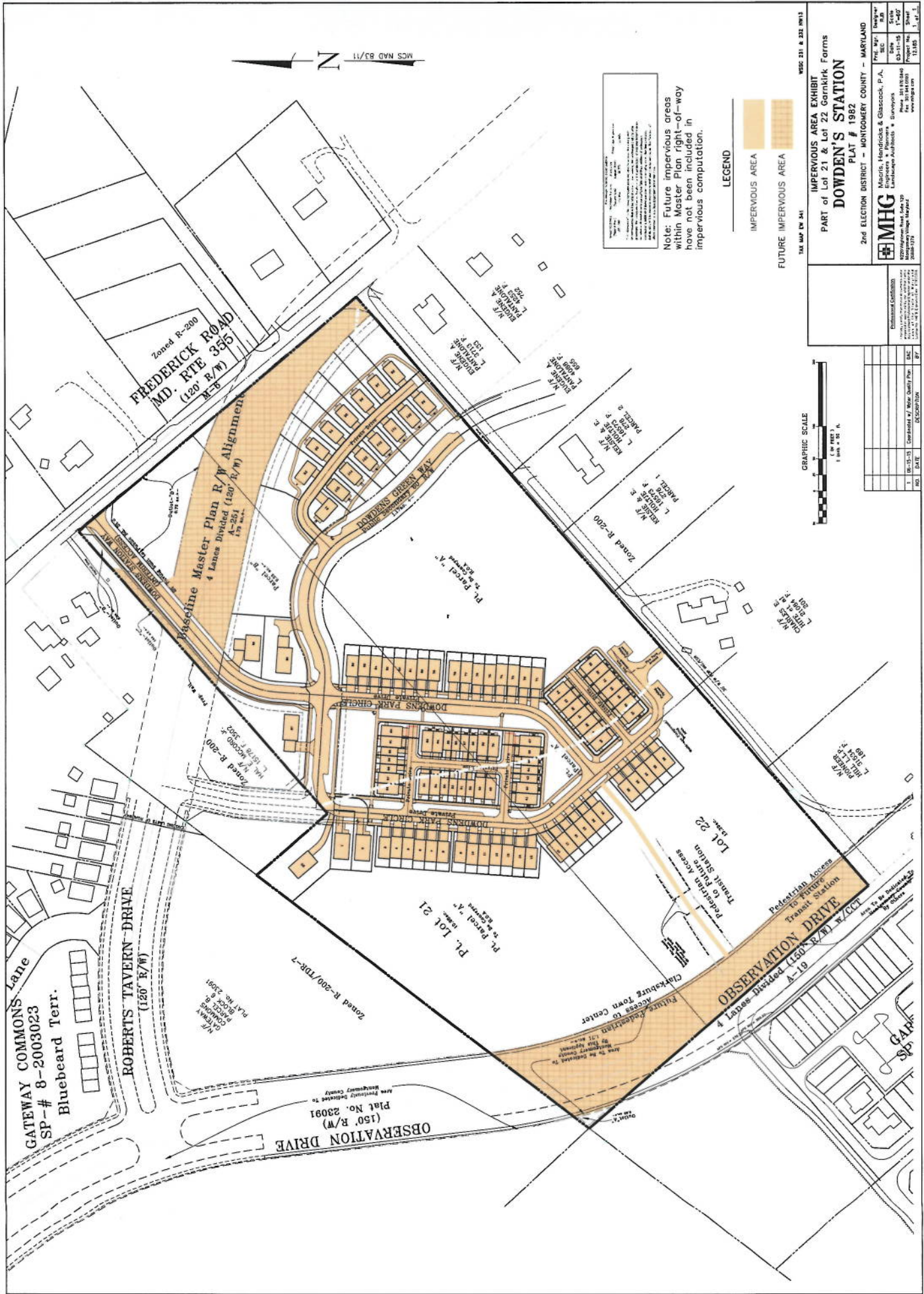
PLANS AND DRAWINGS

Attachment-A





Local Map Amendment G-957-Dowden's Station



Note: Future impervious areas within Master Plan right-of-way have not been included in impervious computation.

LEGEND

- IMPERVIOUS AREA
- FUTURE IMPERVIOUS AREA



114 MD EV 541 WSS 231 & 232 MW13

IMPERVIOUS AREA EXHIBIT
PART of Lot 21 & Lot 22, Gambrick Farms
DOWDEN'S STATION
PLAT # 1982

2nd ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG
Marris, Hendricks & Glascock, P.A.
Professional Engineers & Surveyors
Montgomery County, Maryland
2088-1274 1st Floor
www.mhg.com

DATE	DESCRIPTION	BY
10-15-13	CONTRACT # 146, 147, 148, 149	MAC
08-15-13	CONTRACT # 146, 147, 148, 149	MAC
08-15-13	CONTRACT # 146, 147, 148, 149	MAC

Water Quality and Forest Conservation Memorandum

Attachment-B





Dowdens Station, LMA G-957, Preliminary Forest Conservation Plan and Preliminary Water Quality Plan

Katherine Nelson, Planner Coordinator, Area 3 Division Katherine.Nelson@montgomeryplanning.org, 301-495-4622
Richard Weaver, Supervisor, Area 3 Division Richard.Weaver@montgomeryplanning.org (301) 495-4544
Kipling Reynolds, Chief, Area 3 Division, Kipling.Reynolds@montgomeryplanning.org

Staff Report Date: 6/26/2015

Dowdens Station Local Map Amendment: G-957

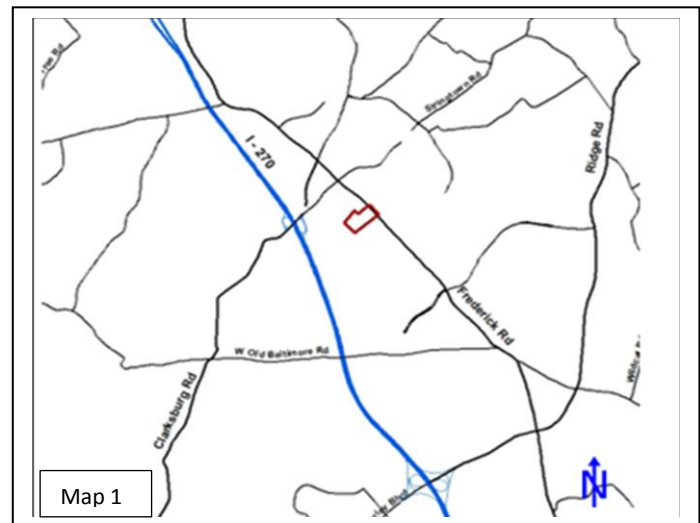
B. Preliminary Water Quality Plan

C. Preliminary Forest Conservation Plan

Request for a Local Map Amendment for reclassification of a 24.37-acre property from R-200 Zone to PD-4 Zone, for the development of up to 105 detached and attached single-family dwelling units, located on the west side of Frederick Road (MD 355), 1,300 feet north of its intersection with Shawnee Lane, known as Garnkirk Farms Parcel N760, part of Lot 21 and Parcel N888 Lot 22 tax map EW31, Clarksburg, 1994 Clarksburg Master Plan and Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions

Applicant: Clarksburg Mews, LLC



Summary

- There are three items for Planning Board review for the Dowdens Station project: the Local Map Amendment, the Preliminary Forest Conservation Plan and the Special Protection Area (SPA) Preliminary Water Quality Plan. This memorandum covers staff's review and recommendations on the Preliminary Water Quality Plan and the Preliminary Forest Conservation Plan.
- The Board's actions on the Preliminary Forest Conservation Plan and the Preliminary Water Quality Plan are regulatory and binding.
- The regulatory approvals covered by this staff report are only valid if the Local Map amendment is subsequently approved by the County Council.

STAFF RECOMMENDATIONS

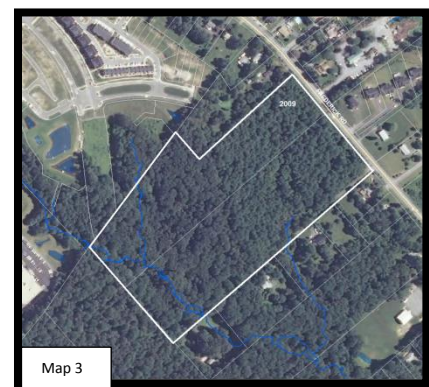
- APPROVAL of the Clarksburg Special Protection Area Preliminary Water Quality Plan, subject to the following conditions:
 1. Conformance to the conditions as stated in Montgomery County Department of Permitting Services (MCDPS) Preliminary Water Quality Plan approval letter dated June 11, 2015 (Attachment A).
 2. The impervious surfaces on the property are limited to no more than 30 percent of the net tract area.
 3. If the stream crossing is permitted at preliminary plan, it must not disturb natural stream flow or wetlands.
 4. Minimize height of retaining walls separating sensitive areas from developed areas.
 5. Maintain a 175-foot stream buffer adjacent to the townhomes on the western side of the site.
- APPROVAL of the Preliminary Forest Conservation Plan, subject to the following conditions:
 1. Prior to any land disturbing activities, the Applicant must obtain approval of a Final Forest Conservation Plan consistent with the Preliminary Forest Conservation Plan and Planning Board conditions
 2. The Applicant is required to record a Category I Conservation Easement over areas of forest retention as shown on the Forest Conservation Plan approved by the Planning Board. The easement must be approved by the M-NCPPC Office of General Counsel and recorded by deed in the Montgomery County Land Records after site plan approval and before any land disturbing activities.



DISCUSSION

SITE DESCRIPTION

The subject property is two un-platted parcels equaling 24.37 acres, in the R-200 Zone and located on the west side of Frederick Road (MD 355) and the future extension of Roberts Tavern Drive in the Clarksburg Master Plan area (“Property” or “Subject Property”). The Property is vacant and completely forested. The topography is rolling with moderate to extreme steep slopes and one area of level terrain. The Property includes a network of stream valleys, wetlands and drainage swales that direct runoff to the south into a tributary stream draining to the Little Seneca Creek. This stream valley has been protected by a conservation easement on off-site developments to the north and west of this site.



A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD #420132130) was approved on April 21, 2014. The Property is located within the Clarksburg SPA and the Little Seneca Creek watershed, a Use Class IV-P watershed. The Property includes an unnamed tributary of Little Seneca Creek that begins on the west side of the Property. The Countywide Stream Protection Strategy rates that quality of streams in this watershed as “good”. Streams, floodplains, wetlands, and environmental buffers on site total approximately 9.22 acres or approximately 39 percent of the gross tract area. The Property has two different forested areas. The first, on the western side of the Property, is a mature, stable ecosystem with many specimen trees and rates as high priority for retention. The second forest on the eastern side of the Property is approximately 35-years old and contains many invasive species. The forest that is located outside of the streams and wetland buffer areas on the Property is considered a moderate priority for retention.



PROJECT DESCRIPTION

The applicant, Clarksburg Mews, (“Applicant”) is requesting to rezone the Property from the R-200 Zone to the PD-4 Zone. The Applicant proposes to construct a total of 105 residential units, including 21 single-family detached, and 84 single-family townhouse units. Fourteen of the townhome units are proposed for MPDUs. The Applicant proposes reservation of land for the Master Plan recommended future alignment of Frederick Road and Roberts Tavern Drive.

SPECIAL PROTECTION AREA REQUIREMENTS

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

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

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

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

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

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

Under the requirements of the Special Protection Area law, an SPA water quality plan must be reviewed in conjunction with the Local Map Amendment. Under the provision of the law, the Montgomery County Department of Permitting Services and the Planning Board have different responsibilities in the review of a water quality plan. The Planning Board's responsibility is to determine if requirements for environmental buffer protection and SPA forest conservation have been satisfied. In addition, the Board must review the appropriateness of the proposed impervious level of the new development.

MCDPS Special Protection Area Review Elements

In a letter dated June 11, 2015, MCDPS conditionally approved the elements of the SPA Preliminary Water Quality Plan under its purview including: a) stormwater management facilities, b) sediment control measure, and c) Best Management Practices (BMP) monitoring. A synopsis is provided below. (see also Attachment A).

The conditions may impact the Planning Board's part of the review of the water quality plan. For example, the fourth condition, "Provide safe non-erosive outfalls into the proposed green/HOA areas. It appears that the outfall located in the area near the pedestrian access to the future transit station may need to be moved further down slope." Compliance with this condition will result in more priority forest removal and wetland impact.

a) Stormwater Management

MCDPS will require that full Environmental Site Design (ESD) be achieved to meet the DPS performance goals. The Applicant's current plan relies heavily on a combination of micro-bioretenion cells and planter box micro-bioretenion to meet requirements.

b) Sediment and Erosion Control

Redundant sediment control structures will also be required, such as oversized traps, super silt fences for small drainage areas and phasing to promote quick stabilization. The MCDPS conditions for this element may impact the Planning Board's part of the review of the water quality plan. For example, the fourth condition, "Provide safe non-erosive outfalls into the proposed green/HOA areas. It appears that the outfall located in the area near the pedestrian access to the future transit station may need to be moved further down slope." Compliance with this condition will require additional priority forest removal and wetland impacts.

c) Monitoring of Best Management Practices

Required stream and BMP monitoring will be conducted by the Montgomery County Department of Environmental Protection with the Applicant required to pay a fee for this monitoring.

Planning Board Special Protection Area Review Elements

Area 3 Planning Staff has reviewed and recommends Planning Board approval of the elements of the SPA Preliminary Water Quality Plan with conditions:

1. Approved stormwater management plan and sediment control plan must conform to the limits of disturbance of the preliminary forest conservation plan.
2. Impervious levels must not exceed 30 percent of the net tract area.
3. The arch culvert stream crossing must not impact wetlands or their buffers and must minimize impacts to the natural flow of the stream.
4. Minimize height of retaining walls separating sensitive areas from developed areas.

Environmental Guidelines

The unnamed tributary to Little Seneca Creek has two branches that flow from the north with the confluence on the Property. This confluence area forms a much larger wide and braided stream that receives a large amount of flow. This area of the stream channel is between 20 feet and 100 feet wide below the confluence and interlaced with seeps, springs and wetlands. In addition, steep slopes with erodible soils lead down to the stream channel area.

Sewer Service Analysis

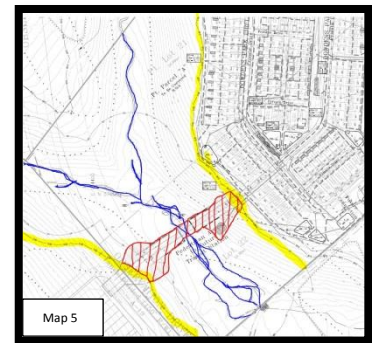
This Application proposes significant impacts to the Stream Valley Buffer (SVB). The main impact is the arch culvert proposal that will carry a gravity sewer (and pedestrian path) over the stream on the east side of the Property. (See Attachment B and C for background.) The 1994 Clarksburg Master Plan intended that the area, north of Shawnee Lane, west of MD 355, east of future Observation Drive and south of future Roberts Tavern Drive ("Subwatershed") be served by public sewer service. While not specifically determined or otherwise specified in the Master Plan, one can assume that public sewer service to this Subwatershed was to be extended from the south, up the small tributary, through the Clarksburg High School site, under Shawnee Lane and thence serving the Subwatershed with gravity sewer service. However, prior developments within this Subwatershed commenced at the far upstream (north) side of the Subwatershed well ahead of any such gravity sewer extension from the south. Two such developments each found ways to construct gravity sewer carefully built along the final contours of their respective developments which directed sewage flows by gravity into sewers within neighboring watersheds, thus circumnavigating the downstream properties (including the Subject Property) that might have benefitted from a comprehensive gravity sewer solution. The subject development now proposes to do the same as the developments to the north, however, with a rather unique means of maintaining gravity flow.

The WSSC strongly prefers gravity sewer service that is provided under conventional means of trenching pipe designed to convey sewage without mechanical assistance (pumping). Gravity sewer service has proven to be the most efficient and cost effective means of providing comprehensive sewer service to large populations. Hence, in order to determine the tract area for forest impacts and water quality impacts that are required to make the findings for this Development Plan application, it became necessary to determine how sewer infrastructure *might be* extended to the Property. In meetings with WSSC, they stated a preference for the gravity sewer described above, that would convey flows by gravity to a manhole located near the Clarksburg High School, more than 2,000 feet to the south. (Attachment B) This extension was problematic for both the Applicant and Staff since the Applicant did not control much of the properties that would be crossed by such an extension and Staff was concerned with the environmental impact to a large wetland/forest complex across the entire east and north side

of the High School property in the direct path of the potential gravity sewer. This sensitive area is protected by a forest conservation easement on the School property. (See page 3 of Attachment B)

Staff analyzed a modified version of the above solution which would be to extend gravity service from the Subject Property, south to Shawnee Lane, where a pumping station could be built (by the developer) on off-site properties. The pump station would then pump sewage to the closest available gravity sewer likely to the west along Shawnee Lane near the Garnkirk (Eastside) and Gallery Park developments. This pumping station at Shawnee Lane would be capable of serving the entire remaining Subwatershed. However, the Applicant does not have control or permission to cross downstream properties with the sewer or pump station. WSSC, while non-comital to the pump station alternative, remains in favor of a standard gravity option.

Given the impediments to the two options discussed above, the Applicant seeks to connect to the sewer infrastructure within the Garnkirk Farm subdivision west of the Property with a gravity sewer line “suspended” within a bridge that crosses the stream valley on the western side of the Property. Gravity flow is not possible if the pipe were to be buried through the stream valley buffer due to topography. By suspending, or enclosing, the sewer line within an elevated structure built across the stream valley, positive gravity flow can be maintained from the proposed development to the nearest existing gravity sewer located to the west in Observation Drive (currently under construction).



The proposal would be to bury the sewer line within a 35-foot wide, soil-filled arched span bridge using a bottomless culvert over the stream and wetlands. The length of the “bridge” would be 280 feet where an asphalt pedestrian path would be placed on top of the sewer pipe. The arched culvert would span 40 feet in an attempt to clear the stream and associated wetlands. , WSSC has agreed to study this option. The agency will make the decision about how to sewer this site at the time of preliminary plan.

The asphalt path will provide much needed pedestrian access to the proposed transit station located at the intersection of future Observation Drive and Shawnee Lane. The opening in the culvert is designed to allow the stream flow to pass through. However, the dynamic nature of the stream in this location and the adjacent wetlands make it impossible to avoid permanent impacts to this system with the proposed arch culvert design. The stream will have to be realigned, narrowed and channelized to insure that the stream is permanently flowing toward the culvert opening and not undermining the foundation of the culvert. The arch culvert spans the wetlands but does impact the wetland buffers located on each side of the wetland. This impact will initiate a wetland permit from appropriate agencies. A floodplain construction permit is also likely.

The arch culvert concept for the gravity sewer has the potential to be acceptable to WSSC and has many upsides especially for the pedestrian connection; however, its impact to this stream system will be permanent as with many road or asphalt pedestrian connections that place permanent features within the near stream area. Staff is particularly concerned with the amount of stream realignment that will be necessary to control the stream channel as it enters the culvert and as it flows through the culvert. A stream will naturally meander unless it is held in check by man-made structures. The attempt to span the stream and wetlands with the culvert may sound like a feasible way to avoid or minimize impacts, but Staff is convinced that the character of the stream, both upstream and downstream of the culvert, will be irreversibly altered. Direct impact to the stream buffer may also include multiple outfall

locations that cut channels through the forested slopes of the stream valleys. Should this be the sewer option that is ultimately chosen for this development, staff cannot stress the importance of the developer working with the County MCDEP to use available funds to restore to natural features of the stream to the maximum extent possible. The final water quality plan at the time of preliminary plan will show this information.

Other impacts to the environmental buffers are less direct. In order to build and engineer Dowdens Green Way around the second stream and an associated wetland on the site there will be a 10-20-foot grade change on three sides of the wetland and stream system, requiring retaining walls. However, the stream buffer will not be directly impacted. One of the purposes of the PD zone is to “minimize the amount of grading necessary for construction of a development.” Grading and the use of large retaining walls should be minimized.

Finally, the Clarksburg master plan recommends a 175-foot stream buffer, “The Master Plan strongly encourages landowners to allow stream buffer areas within 175 feet of the stream to remain undisturbed . . .” Given the steep slopes with highly erodible soils, particularly along the western tributary, the strong encouragement from the plan should be followed along the western tributary.

Imperviousness

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

The Impervious Area Exhibit (Attachment D) proposed a post-development condition of 5.6 acres of impervious surface. The percentage of impervious surface shown on the exhibit is incorrect since the area of highway dedication should be deducted from the net tract area as in the forest conservation plan (See Attachment D). This staff report reflects the correct calculation of the impervious percentage by using the same impervious acreage shown on the exhibit. The impervious percentage of the site is 26.0 percent of the 21.57-acre net tract area. The Applicant anticipates the need for additional impervious area as the site development process continues. A future impervious exhibit will include additional elements such as accel/decel lanes, a turn lane on MD 355, site amenities such as play areas and pedestrian connections, additional parking spaces, modified dwelling unit sizes and a wider pedestrian connection across the tributary to Little Seneca Creek. For these reasons, the Applicant has proposed that the final impervious acreage may increase from 5.6 acres to a total of approximately 7.8 acres. This will bring the impervious level to approximately 36 percent of the net tract area.

The Property is currently zoned R-200. Staff has calculated impervious surface levels for typical developments across the county in the R-200 zone with sewer service to be approximately 26 percent. Staff has also calculated impervious levels of the PD-4 zone to be approximately 30 percent.

Because there is no imperviousness cap within this portion of the Clarksburg SPA, the Staff and the Planning Board have historically used the general county range for the zone as a goal. At 36 percent, the proposed project is greater than the expected impervious level of both the R-200 zone and the PD-4 zone. The current impervious exhibit (Attachment D) has minimized imperviousness while attaining the maximum density of the PD-4 zone, resulting in a 26 percent impervious level. The goal of this Application should be to stay below 30 percent of the net tract area.

Forest Conservation

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

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

The proposed project is the subject of a Local Map Amendment application, a required element of which is a Development Plan. Therefore, the Montgomery County Forest Conservation Law is applicable to the Application at this stage. The Applicant submitted Forest Conservation Plan No. G-957 (see Attachment E) on February 27, 2015. The FCP uses a net tract area of 21.57 acres, which is equal to the total tract area of 24.37 acres minus the proposed right-of-way dedications of 2.8 acres.

The FCP shows 13.3 acres of forest clearing and 8.17 acres forest retention. No forest mitigation is required due to the high level of forest retention. However, it is possible that the construction of Observation Drive may require permanent or temporary easements because of the extreme slopes in this area. This may require additional forest clearing in areas proposed to be retained by the applicant.

Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, DBH ("Protected Tree"); are part of a historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to a Protected Tree, including removal or disturbance within the Protected Tree's critical root zone (CRZ) requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. In the written request for a variance, an applicant must demonstrate that strict adherence to Section 22A-12(b)(3), i.e. no disturbance to a Protected Tree, would result in an unwarranted hardship as part of the development of a property.

Variance Request

The Applicant submitted a variance request dated February 24, 2015 for the impacts of Variance Trees by the proposed activities (Attachment F). The Applicant has requested a tree variance to impact six Variance Trees and to remove nine Variance Trees.

Tree #	Species	D.B.H (inches)	CRZ Impact	Reason for disturbance
8	Tulip Poplar	30	100%/Remove	Parking and Micro-Bioretenion
10	Tulip Poplar	33	100%/Remove	Micro-Bioretenion
14	Black Cherry	31	100%/Remove	Grading For Town Houses
16	Black Oak	43	100%/Remove	Grading For Town Houses
23	White Oak	30	100%/Remove	Grading For Town Houses
24	Black Oak	36	100%/Remove	Grading For Town Houses
32	Black Oak	37	34%	Grading For Town Houses
36	Black Oak	31	100%/Remove	Grading For Town Houses
41	Red Oak	32	100%/Remove	Grading For Town Houses
45	Red Oak	34	29%	Grading For Town Houses
46	Red Oak	30	4%	Grading For Town Houses
92	White Pine	33	11%	Grading For Town Houses
94	White Ash	34	11%	Grading For Town Houses
115	Tulip Poplar	37	100%/Remove	Sewer Connection/Pedestrian Bridge
116	White Oak	37	17%	Sewer Connection/Pedestrian Bridge

Justification of Unwarranted Hardship

Under Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Variance Trees in an undisturbed state would result in an unwarranted hardship.

This variance request is to allow development of a completely forested site, part of which is an older forest with a significant number of protected trees. The Property is highly constrained with slopes, streams and wetlands and the developable area is relatively limited. In addition, the Applicant proposes to connect to sewer service across a wide stream valley which contains many variance trees. It is not possible to avoid impact to these trees if the Property is to be developed. Not granting a variance would eliminate much of the developable area of the site and create an unwarranted hardship.

Variance Findings

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board in order for a variance to be granted.

Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

The Property is limited by road dedications, slopes, streams and wetlands, and the number of protected trees within the forest. These constrictions limit the developable area of the site. In order to develop

this Property, it is impossible not to impact Protected Trees. Therefore, this is not a special privilege to be conferred on the Applicant.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is based on the constrained site conditions, the need for a sewer connection and the zoning density as proposed by the Applicant. This is not a result any action undertaken by the Applicant.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The variance is a result of the proposed site design and layout. The surrounding land uses do not have any inherent characteristics or conditions that have created or contributed to the need for a variance.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The granting of this variance will not adversely affect water quality beyond the proposed forest removal. Water quality will be impacted in particular by forest removal in the stream channel and within the stream buffer. Appropriate erosion and sediment controls will be installed, as specified in the Erosion and Sediment Control Plan for this Application.

Mitigation for Trees Subject to the Variance Provision

Mitigation for Protected Tree impact and removal is calculated by forest conservation worksheet, since all of the Protected Trees are located within forested areas. In this case, sufficient forest is being retained and additional mitigation is not required.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on May 22, 2015 and is currently under review

Variance Recommendation

Staff recommends that the variance be granted.

The submitted Preliminary Forest Conservation Plan meets all applicable requirements of the Chapter 22A of the County Code (Forest Conservation Law).

CONCLUSION

The Special Protection Area Preliminary Water Quality Plan G-957 with conditions meets all applicable sections of Chapter 19 of the Montgomery County Code; therefore, Staff recommends approval, subject to the conditions cited on page 2.

The Preliminary Forest Conservation Plan No. G-957 with conditions meets all applicable section of Chapter 22A of the Montgomery County Code; therefore, Staff recommends approval, subject to conditions on page 2.

Attachments:

Attachment A: MCDPS Preliminary Water Quality Plan Approval Letter 6/15/2015

Attachment B: Sewer Alignment Agency Meeting Summary (DEP, WSSC, MCPD)

Attachment C: Proposed Area Sewer Alignments

Attachment D: Impervious Area Exhibit, 3/11/15

Attachment E: Preliminary Forest Conservation Plan 2/27/2015

Attachment F: Variance Request 2/14/2015

Attachment G: Preliminary Water Quality Plan 5/29/15

Letters and Other Agencies' Comments

Attachment-C





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

June 11, 2015

Mr. Pearce Wroe
Macris, Hendricks and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886

Re: **Preliminary Water Quality Plan** Request for
Dowden's Station
SM File #: 270835
Tract Size/Zone: 24.4 acres/Proposed PD-5
Total Concept Area: 24.4 acres
Parcel(s): 780 and 888
Watershed: Little Seneca Creek/Clarksburg
Special Protection Area

Dear Mr. Wroe:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary Water Quality Plan (PWQP) for the above mentioned site is **acceptable**. The Preliminary Water Quality Plan proposes to meet required stormwater management goals via a combination of micro-bioretenion and planter box micro-bioretenion to provide full ESD for the proposed development. This approval is for the elements of the Preliminary Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

The following **conditions** will need to be addressed **during** the Final Water Quality Plan (FWQP) review or the detailed sediment control/stormwater management plan stage as noted below:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. Provide documentation that the ESD features in the public Right-of-Way have been approved by MCDOT at the FWQP stage.
3. Provide safe outfalls from all planter boxes that outfall to public areas at the FWQP stage.
4. Provide safe non-erosive outfalls into the proposed green/HOA areas. It appears that the outfall located in the area near the pedestrian access to the future transit station may need to be moved further down slope.
5. Landscaping shown on the approved Landscape Plan as part of the future approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

This list may not be all-inclusive and may change based on available information at the time.

Mr. Pearce Wroe
June 11, 2015
Page 2 of 2

The performance goals that were established at the pre-application meeting are to be met through the implementation of the Final Water Quality Plan. They are as follows:

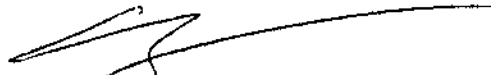
1. Protect the streams and aquatic habitat.
2. Maintain the natural on-site stream channels.
3. Minimize storm flow run off increases.
4. Identify and protect stream banks prone to erosion and slumping.
5. Minimize increases to ambient water temperatures.
6. Minimize sediment loading.
7. Maintain stream base flows.
8. Protect springs, seeps, and wetlands.
9. Minimize nutrient loading.
10. Control insecticides, pesticides and toxic substances.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is **not required**. A stream monitoring fee for the site area in the Piney Branch Special Protection Area (SPA) and a BMP monitoring fee for the disturbed area in the SPA is 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: lmg

cc: C. Conlon
L. Galanko
SM File # 270835

ESD Acres: 24.4 acres
STRUCTURAL Acres: 0.0
WAIVED Acres: 0.0

Tesfaye, Elsabett

From: Larnard, Zachary <Zachary_Larnard@mcpsmd.org>
Sent: Thursday, February 12, 2015 5:02 PM
To: Tesfaye, Elsabett
Cc: Crispell, Bruce
Subject: RE: Comments on [School Capacity in Clarksburg](#)
Attachments: CIP16CH4_Clarksburg.pdf

Hello Elsabett.

Please see our comments below regarding Clarksburg Mews. I'm also attaching text from the CIP for the Clarksburg Cluster. Please let us know if you have any other questions.

The student generation estimated from the 105-unit Clarksburg Mews development will be approximately 29 elementary school students, 12 middle school students, and 14 high school students. The property is within the service area of Clarksburg Elementary School, Rocky Hill Middle School, and Clarksburg High School.

All three schools are projected to exceed capacity within the six year CIP. A site for a new elementary school in the Clarksburg Cluster has been approved; an opening date for this school will be determined in a future CIP. A new middle school is needed to address the middle school space deficit in the cluster; the scheduled completion date for the new school is August 2016. A classroom addition at Clarksburg High School is scheduled to open in August 2015. A revitalization/expansion project for Seneca Valley High School is recommended for completion in August 2018; the school will be designed with excess capacity to accommodate students from the Clarksburg cluster. The Seneca Valley High School service area is adjacent to the Clarksburg High School service area.

The FY 2015 Subdivision Staging Policy School Test finds school enrollment in the Clarksburg Cluster to exceed the 105 percent utilization threshold at the elementary school and high school levels requiring a school facility payment. Enrollment at the middle school level in the Clarksburg Cluster is below 105 percent utilization threshold. No school facility payment is required at the middle school level.

Thanks,
ZACH

Zachary Larnard, AICP, LEED-AP
Division of Long-range Planning
45 West Gude Drive, Suite 4100
Rockville, MD 20850
(O) 240-314-4703 (C) 240-316-8011
Zachary_Larnard@mcpsmd.org
www.montgomeryschoolsmd.org

From: Tesfaye, Elsabett [<mailto:elsabett.tesfaye@montgomeryplanning.org>]
Sent: Monday, February 09, 2015 5:45 PM
To: Crispell, Bruce
Subject: RE: Comments on School Capacity in Clarksburg

Hello Bruce,
Sorry, I left out that information.
21 detached and 84 townhouses.



Washington Suburban Sanitary Commission

14501 Sweitzer Lane • Laurel, Maryland 20707-5901

COMMISSIONERS
Chris Lawson, Chair
Gene W. Counihan, Vice Chair
Mary M. Hopkins-Navies
Antonio L. Jones
Hon. Adrienne A. Mandel
Dr. Roscoe M. Moore, Jr.

GENERAL MANAGER
Jerry N. Johnson

09/16/2014

Ms. Elsabet Tefaye, Senior Planner
Area 3 Planning Division
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Local Map Amendment No. G957
WSSC contract number: DA5697Z14

Dear Ms. Tefaye,

Please allow this letter to serve as courtesy notification on behalf of the property owner, Clarksburg Mews, LLC. WSSC may conceptually accept design of sanitary sewer mains or water mains longitudinally constructed within an earth embankment; however any of such particular designs may be subject to special designs, reviews and approvals. All designs of water or sewers in embankment will require compliance with WSSC Pipeline Design Manual, 2013 WSSC Plumbing and Fuel Gas Code, WSSC Standard details for construction, General conditions and Standard Specifications.

It is applicant's responsibility to get all other approvals and permits necessary for construction of the earth embankment.

Thank you for your cooperation.

Sincerely,

Monika Kornhauser
Project Manager
WSSC Development Services Group



A VETERAN-OWNED
SMALL BUSINESS

CORPORATE OFFICE

Baltimore, MD
Suite H
9900 Franklin Square Drive
Baltimore, Maryland 21236
410.931.6600
fax: 410.931.6601
1.800.583.8411

FIELD LOCATIONS

Arkansas
Maryland
New York
North Carolina
Ohio
Texas
Virginia
West Virginia

July 31, 2014

Ms. Elsabett Tesfaye
Area 3 Planning Team
M-NCPPC
8787 Georgia Avenue, Third Floor
Silver Spring, MD 20910

RE: Dowden's Station
Zoning Application No. G-957
Application of Clarksburg Mews, LLC
Our Job No: 2013-0605

Dear Ms. Tesfaye,

In response to your agency's request that we provide information that traffic along the MD 355 corridor near the property which is the subject of Zoning Application No. G-957 has not significantly increased since our traffic counts were taken in 2013, I am pleased to provide the following information:

1. We have checked with the State Highway Administration and we are not able to identify any traffic counts that have occurred since the counts were taken to compile our LATR submission in July 2013. Therefore, we are not able to empirically demonstrate that traffic has not significantly increased in the corridor since that date.
2. To the extent that traffic may have increased, we believe that it would likely be attributable to traffic generated by new development occurring in the corridor. In our LATR submission, we accounted for a total of eight background developments approved as of the date of our counts which would be the likely generators of new traffic, which added 102 AM vehicles and 199 PM vehicles to the MD 355 flow. Therefore, we do not believe that there is any development that we have not already anticipated to occur in the corridor that would cause a significant increase in traffic in the study area. Traffic from any background development that occurs outside of our study area is likely to use I-270 rather than MD 355 which is more utilized by "local" traffic.

Based on the information above, we do not believe that there has been any significant increase in traffic in the corridor since our counts were taken.

We hope that this information is adequate to allow you and your colleagues to initiate review of our LATR submission, even though traffic counts are more than one year old as of this point in time.

Please call me if you need any additional information regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Carl R. Wilson, Jr." in a cursive style.

Carl R. Wilson, Jr., P.E., PTOE
Senior Project Manager

cc: John Carter
Ed Axler
Clarksburg Mews, LLC

CRW/clg
(F:\2013\2013-0605\wp\Zoning Application_Tesfaye.docx) .