MCPB Item No.

Date: 09-22-16

# Dowden's Station: Preliminary Plan No. 120160160 and Site Plan No. 820160060

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Completed: 09/9/16

## Description

A. Dowden's Station: Preliminary Plan No.

**120160160:** Application to create 105 lots for 21 one-family detached dwellings and 84 townhouses, located approximately 1/3 of a mile from the intersection of Stringtown Road and Frederick Road, 24.37 acres.

Recommendation – Approval with conditions

B. Dowden's Station: Site Plan No. 820160060:

Application to construct 105 residential units (including 21 one-family detached dwelling units and 84 townhomes) located approximately 1/3 of a mile from the intersection of Stringtown Road and Frederick Road, 24.37 acres.

Recommendation – Approval with conditions

Zone: Planned Development (PD-4)

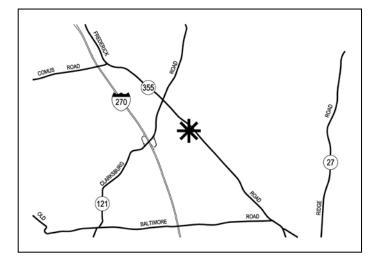
Master Plan: 1994 Clarksburg Master Plan & Hyattstown Special Study Area

**Applicant:** Clarksburg Mews, LLC **Submittal Date:** 12/23/2015

Review Basis: Chapter 22A, Chapter 50, Chapter 59



- Staff recommends Approval with conditions to both the Preliminary Plan and Site Plan.
- The request to change the zoning was submitted on July 16, 2013. As such, this Preliminary Plan and Site Plan have been reviewed under the standards and procedures of the Zoning Ordinance in effect prior to October 30, 2014 as allowed by Section 7.7.1.B.1 of the Zoning Ordinance.
- The associated Local Map Amendment (G-957) was approved by the Planning Board in July 2015 and adopted by the County Council on October 20, 2015. The Preliminary Plan and the Site Plan conforms to all binding elements.
- The Planning Board approved the tree variance request on July 15, 2015 with the Preliminary Forest Conservation Plan (PFCP). The limit of disturbance for this application is consistent with the previous approval.
- As conditioned, the Final Water Quality Plan will allow 30 percent imperviousness including all off-site improvements.



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#### **SECTION 1 – OVERVIEW**

This Staff Report presents Staff recommendations for joint Preliminary Plan and Site Plan applications. In accordance with the previously approved Local Map Amendment (LMA), Preliminary Forest Conservation Plan, and Preliminary Water Quality Plan, the subject property was reclassified from the R-200 Zone (one-family residential, one half acre minimum lot size) to the PD-4 (Planned Development, 4 units per acre) Zone by the County Council on October 20, 2015. These applications are consistent with the LMA approval; which approved the creation of 105 residential lots including a mix of one-family dwelling units (21 units or 20 percent), townhouses (84 units or 80 precent), and MPDUs (13.3 percent units with a density bonus of 8.2 percent) and aimed to cap impervious levels at 30 percent. The entire property is located within the Clarksburg Special Protection Area (SPA). Therefore, in accordance with the SPA law, the Water Quality Plan must also be reviewed in conjunction with the LMA. The subject property includes stream valleys, wetlands, and floodplains that drain into the Little Seneca Creek. These environmental features make up approximately 39 percent of the gross tract area and will be protected with conservation easements.

The subject property will be served by public sewer service, however, this requires significant impacts to the stream valley buffer which were discussed at the time of the zoning decision, with the construction of a gravity sewer line suspended within a bridge that crosses over the existing stream. The sewer line will be buried within a 35-foot wide, soil-filled arched span bridge (approximately 280-feet long) using a bottomless culvert over the stream and wetlands. A 10-foot asphalt pedestrian pathway is proposed on top of the sewer line; which provides pedestrian access to the future Corridor City Transit (CCT) station (along Observation Drive).

In addition to the environmental constraints, the subject property is further restricted by the dedication and future alignment of Frederick Road/Roberts Tavern Drive, Observation Drive (along the northwestern border), and Roberts Tavern Drive (north of the property). The current main access point (Street C) connects into Frederick Road (MD 355). In accordance with the 1994 Clarksburg Master Plan and Hyattstown Special Study Area, Robert Tavern Drive will be extended to intersect with Frederick Road. Staff has reviewed an alternative street alignment for the main entrance to the subject property upon completion of Roberts Tavern Drive. The current access point along Street C will no longer be feasible with the construction of Robert Tavern Drive, due the change in elevation. Therefore, a portion of Street C will be eliminated and the main access to the property will be provided by a public roadway connecting into Roberts Tavern Drive. Other alternative access points may also be considered with the future development of the properties south of the subject property.

Staff recommends approval of the both the Preliminary Plan, Site Plan and the associated Final Forest Conservation Plan as these applications are consist with the provisions of the PD-4 Zone and the previous approvals.

### **SECTION 2 – RECOMMENDATIONS AND CONDITIONS**

**PRELIMINARY PLAN NO. 120160160:** Staff recommends approval of the Preliminary Plan subject to the following conditions:

- This Preliminary Plan is limited to one hundred and five (105) lots for 21 detached single-family residential units and 84 townhouse units to include a minimum of 13.3% Moderately Priced Dwelling Units.
- 2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated August 11, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT and Maryland State Highway Administration ("MDSHA").
- 4. The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services ("MCFRS") approval dated May 12, 2016 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the approval. These recommendations may be amended by MCFRS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in a letter dated May 24, 2016 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the approval. These recommendations may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6. The Applicant must dedicate and show on the record plat the rights-of-way for the following roads as well as construct the roads to the design standards specified in a. through k. below and as shown on the Certified Site Plan:

#### **Public Streets**

- a. Frederick Road (A-251): 60 feet from its centerline.
- b. Observation Drive (A-19): Dedicate the recommended 150-foot right-of-way that is within the property totaling approximately 74,564 square feet or 1.71 acres+\- as shown on the Certified Preliminary Plan.
- c. Roberts Tavern Drive (A-251): Dedicate the recommended 120-foot right-of-way that is within the property totaling approximately 75,359 square feet or 1.73 acres+\- as shown on the Certified Preliminary Plan.
- d. <u>Public Street B</u> with a minimum of 60 feet of right-of-way without parallel parking must be constructed to MCDOT Road Code Standard MC-2002.01: Secondary Residential Street as shown on the Certified Preliminary Plan.
- e. <u>Public Street B</u> with a minimum of 60 feet of right-of-way with parallel parking must be constructed to MCDOT Road Code Standard MC-2002.02: Secondary Residential Street Parking on One Side as shown on the Certified Preliminary Plan.

- f. <u>Public Street C</u> with a minimum of 60 feet of right-of-way from the intersection with Public Street B to MD 355. Street C must be constructed to MCDOT Road Code Standard MC-2002.01: Secondary Residential Street Modified as shown on the Certified Preliminary Plan.
- g. <u>Public Street D</u> with a minimum of 29 feet, 4 inches of right-of-way in front of Lots 90-93. Street D must be constructed to MCDOT Road Code Standard MC-210.03: Tertiary Residential Street Modified with Parking as shown on the Certified Preliminary Plan.
- h. <u>Public Street D</u> with a minimum of 21 feet, 4 inches of right-of-way between Lots 89 and 90 and between Lot 93 and the southeast property boundary. Street D must be constructed to MCDOT Road Code Standard MC-210.03: Tertiary Residential Street Modified as shown on the Certified Preliminary Plan.

### **Private Streets**

- i. <u>Private Street A</u> with a minimum parcel width of 50 feet from Public Street B to Private Street B. Private Street A must be constructed to MCDOT Road Code Standard MC-210.03: Modified Tertiary Residential Street as shown on the Certified Preliminary Plan.
- j. <u>Private Street B</u> with a minimum parcel width of 60 feet from Public Street B to its terminus. Private Street B must be constructed to MCDOT Road Code Standard MC-210.03: Modified Tertiary Residential Street as shown on the Certified Preliminary Plan.
- k. <u>All Private Alleys</u> shall have a minimum parcel width of 24 feet. All Private Alleys must be constructed to MCDOT Road Code Standard MC-200.01: Residential Alley Modified as shown on the Certified Preliminary Plan.
- 7. The Applicant must provide all Private Roads, subject to the following conditions:
  - a. The Private Roads must be shown on a separate lot if there are no structures above or below the Private Roads, or clearly delineated with metes and bounds description on the record plat within the proposed lot and subject to the approved restrictive covenant ("Covenant"), to be recorded in the Montgomery County Land Records with the Liber and Folio referenced on the record plat.
  - b. All Private Roads includes any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Roads"), all of which must be included in a long-term maintenance plan along with the Private Roads
  - c. The Covenant must be approved by the M-NCPPC Office of General Counsel and must include at a minimum:
    - i. That Applicant is fully responsible for the design, construction, operation maintenance and repair of the Private Roads, including other necessary improvements as shown within the delineated area in accordance with the criteria set forth in the Preliminary Plan and any subsequent Site Plan;
    - ii. Utilities may be located within the Private Road Easement as private connections;
    - iii. Applicant is responsible for the design, construction, operation, maintenance and repair of the private fire hydrants and the water system that serves any private fire hydrants serving the Project ("Private Hydrant System"). The Applicant must cause the Private Hydrant System to be maintained in good operating condition at all times and Applicant must have the Private Hydrant System inspection and testing as required by the Montgomery County Fire

Marshall, overseen by a professional engineer, who must provide certified reports evidencing that the water and private hydrant system is properly designed and constructed and in good operating condition. These certified reports must be provided annually to MCDPS. A description of repairs or maintenance that were performed to keep the Private Hydrant System in good operating condition must be noted on the certified report.

- iv. That the Private Roads must remain open, except during construction, for pedestrians and both motorized and non-motorized vehicles at all times as part of the project common area, except for temporary closures as permitted by MCDPS and approved by the Montgomery County Fire Marshall;
- v. That Applicant must properly maintain all of the improvements within the Private Roads area in good condition and repair in accordance with applicable laws and regulations at all times. At a minimum, Applicant is obligated to remove snow and ice, and provide routine and extraordinary repairs, maintenance and replacement to keep the Private Roads open and in good repair for safe use; and
- vi. That any subsequent amendment is subject to approval by the M-NCPPC Office of General Counsel.
- d. The following Private Roads must be designed and constructed according to the following Montgomery County Road Code Standards per the modified typical section specified by the subsequent Site Plan.
  - i. Private Street A: MCDOT Road Code Standard MC-210.03: Modified Tertiary Residential Street
  - Private Street B: MCDOT Road Code Standard MC-210.03: Modified Tertiary Residential Street
  - Private Alleys A-D: MCDOT Road Code Standard MC-200.01: Residential Alley Modified
- e. Prior to recordation of the plat, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Roads have been designed in accordance with the paving detail and cross-section specifications as shown on the Preliminary Plan, and further certifying that the road has been designed in accordance with sound engineering principles for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access, and parking ("Certified Design").
- f. The Private Roads must meet all necessary requirements for emergency access, egress and apparatus as determined by the Montgomery County Fire Marshal.
- 8. The Applicant must make a Transportation Policy Area Review ("TPAR") Mitigation Payment for Transit, equal to 25% of the applicable transportation impact tax to the Montgomery County Department of Permitting Services ("MCPDS"). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 9. The Applicant must submit and receive approval of a design exception package from MCDOT for all public streets which do not use a Montgomery County Road Code Standard.

- 10. The Applicant must provide the street cross-sections, both public and private streets, including modifications approved by MCDOT in a design exception package on the Certified Preliminary Plan.
- 11. The Applicant must construct the public water and sewer crossing over the stream valley, on behalf of the Washington Suburban Sanitary Commission, as shown on the Certified Preliminary Plan.
- 12. Prior to Certified Preliminary Plan, the Applicant shall revise the Preliminary to indicate a 10-foot wide pedestrian path along the utility/pedestrian bridge crossing the stream valley rather than the 8-foot wide pedestrian path.
- 13. No clearing or grading of the site, or recording of plats prior to certified site plan approval.
- 14. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
- 15. The certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

- 16. Record plat must show all necessary easements.
- 17. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

**SITE PLAN NO. 820160060:** Staff recommends approval of the Site Plan with all site development elements shown on the latest electronic version as of the date of this Staff Report dated September 22, 2016, submitted via ePlans to the M-NCPPC except as modified by the following conditions.<sup>1</sup>

# **Conformance with Previous Approvals & Agreements**

Development Plan and Local Map Amendment Conformance
 The development must comply with all binding elements of District Council Resolution
 No. 18-299 approving Local Map Amendment G-957 dated October 20, 2015.

### 2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120160160.

#### **Environment**

### Final Water Quality Plan

- 3. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services Final Water Quality Plan approval letter dated June 23, 2016.
- 4. Prior to the issuance of the first building permit, the Applicant must enter into an agreement with the Planning Board to limit overall impervious surfaces to no greater than 30 percent of the net tract area. Net Tract Area is defined as the gross tract area including off-site areas of impervious improvements completed by the Applicant, but excluding dedicated but unbuilt rights-of-way to be improved by other entities as specified in the Planning Board Resolution dated July 24, 2015 for the approval of the Preliminary Water Quality Plan. The impervious surface agreement will provide the phased release of building permits to ensure ongoing compliance with the impervious surface limit. The impervious surface agreement must be submitted, reviewed and approved by the M-NCPPC Office of General Counsel.
- 5. Prior to release of the first building permit, the Applicant must demonstrate to the Planning Department that the approved plans conform to the impervious surface limit of no greater than 30%. Any modifications which increase impervious surfaces beyond this limit will require Planning Board approval.

#### Final Forest Conservation Plan

- 6. The Applicant must use best management practices (BMP) to avoid impacts to the stream valley buffer and wetland areas while installing the Pedestrian/Utility Bridge to Observation Drive and must not disturb natural stream flow or wetlands.
- 7. The Applicant must record a Category I Conservation Easement over all areas of forest retention, and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Liber Folio for the easement must be referenced on the record plat.
- 8. The Applicant must install 4-foot high, 2-rail, split-rail fencing along the boundary line of the Category I Conservation Easement beginning at the northern corner of Lot 105 and ending at the

<sup>&</sup>lt;sup>1</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

northern side of the pedestrian bridge; then beginning again at the southern side of the pedestrian bridge and continuing to the terminus of this easement boundary behind and slightly southwest of Lot 93 or as determined by the Maryland-National Capital Park and Planning Commission (M-NCPPC) forest conservation inspector.

- 9. The Applicant must install permanent forest conservation easement signage along the perimeter of the conservation easements in all areas, as determined by the Final Forest Conservation Plan (FFCP) and the M-NCPPC forest conservation inspector.
- 10. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
- 11. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

### **Noise Attenuation**

- 12. Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer that specializes in acoustical treatment that the building shell and materials used for residential dwelling units located within the projected 60 dBA L<sub>dn</sub> noise contour are designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA L<sub>dn</sub>.
- 13. Prior to the issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff that they will construct the noise impacted units in accordance with the recommendations of the engineer that specializes in acoustical treatments.
- 14. Prior to issuance of the first building permit, the Applicant must provide acknowledgement to M-NCPPC Staff that if any changes occur to the plan which affect the validity of the noise analysis dated June 22, 2016, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.

#### 15. Green Area

The Applicant must provide a minimum of 9.75 acres (424,710 square feet) of green space (40% of net lot area) on-site.

## 16. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).

### 17. Recreation Facilities

- a) Prior to the certification of the Site Plan, the Applicant must meet the square footage requirements for all of the applicable recreational elements in accordance with M-NCPPC Recreation Guidelines.
- b) Prior to the issuance of the 14<sup>th</sup> building permit, the multi-age playground will be completed.
- c) Prior to the issuance of the 60<sup>th</sup> building permit, the open play area I and seating area (south of Lots 41 through 47) will be completed.
- d) Prior to the issuance of the 78<sup>th</sup> building permit, the 10-foot pedestrian pathway (over the stream valley buffer) will be completed.
- e) The Applicant is responsible for maintaining all publicly accessible amenities, including but not limited to the playground facilities, sitting areas, open play area I, pedestrian system,

- and bike system until such time when the property is legally transferred to a Homeowner's Association.
- f) The Applicant must provide at a minimum the following recreation facilities: (1) tot lot, (1) open play area, (1) multi-age playground, (1) natural area, (1) sitting areas, (1) pedestrian system, and (1) bike system.

### **Transportation & Circulation**

#### 18. Transportation

a) The Applicant must construct the private internal street(s) to applicable Montgomery County MC-2002.02 and/or 2002.01 structural standards and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards. Before the release of bond or surety, the Applicant must provide DPS-Zoning Staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.

# 19. Pedestrian & Bicycle Circulation

The Applicant must construct the following paths as shown on the Site Plan:

- a) The 10-foot wide pedestrian access pathway between Observation Drive and Street B. (i.e. crossing the stream valley buffer).
- b) The 5-foot wide sidewalks surrounding the Open Space I ("Parcel A").
- c) The 5-foot wide sidewalk along the frontage of public Street B.
- d) The 5-foot wide sidewalk along the frontage of public Street C.
- e) The 5-foot wide sidewalk along the frontage of public Street D.
- f) The 5-foot wide sidewalk along the frontage of private Street B.
- g) The 5-foot wide sidewalk along the frontage of private Street A.
- h) The 5-foot wide sidewalk adjacent to the frontage of Lots 27 through 33.
- i) The 5-foot wide sidewalk adjacent to the frontage of Lots 34 through 40.
- j) The 5-foot wide sidewalk adjacent to the frontage of Lots 41 through 47.
- k) The 5-foot wide sidewalk adjacent to the frontage of Lots 56 through 62.

#### **Density & Housing**

## 20. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated May 13, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide a minimum of 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and DHCA must be executed.

#### Site Plan

#### 21. Site Design

a) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

b) The shared use pathway (pedestrian access across the stream valley buffer) will be 10-feet wide.

### 22. Private Lighting

- a) Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified lighting professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All on-site down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on proposed fixtures causing potential glare or excess illumination.
- d) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- 27 <u>Site Plan Surety and Maintenance Agreement</u>. Prior to issuance of any building permit or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:
  - a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
  - b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
  - c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
  - d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

#### 23. Development Program

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

# 24. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) Prior to Certified Site Plan, the Applicant must address ePlans markups including minor clarifications and corrections to the plan drawings.
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.

#### SECTION 3 – SITE LOCATION & DESCRIPTION

### **Site Location**

### Vicinity

The subject property is zoned PD-4 (Planned Development); 24.37-acre parcel of unimproved land located on the west side of Frederick Road/MD 355. The property is approximately 1,300 feet north of the intersection of MD 355 and Shawnee Lane, and 2,300 feet south of Stringtown Road in the Clarksburg Special Protection Area ("SPA"). This property is identified on tax map EW31 as Parcel N780 (Part of Lot 21) and Parcel N888 (Lot 22) ("Property" or "Subject Property"). The Property contains tributaries that flow into the Little Seneca Creek and have been designated as Use Class IV-P. The Property also contains non-tidal wetlands within a Special Flood Area.

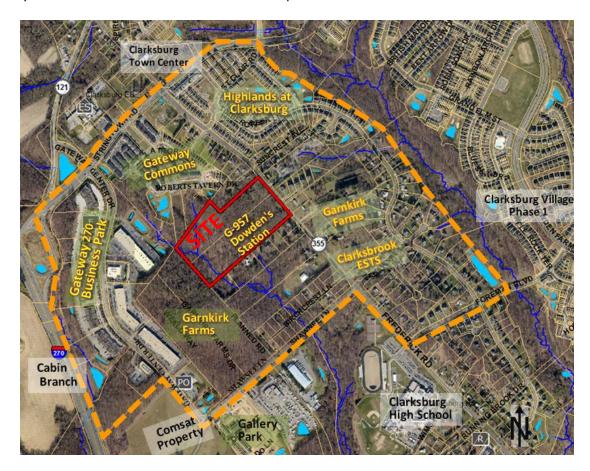


Figure 1 – Aerial Map

# **Site Vicinity**

Surrounding properties include: Gateway 270 West/ Corporate Park (Site Plan No. 8200017G) toward the west, Clarksburg Town Center (Site Plan No. 82007022D) toward the north including the Clarksburg Historic District, Highlands at Clarksburg (Site Plan No. 82002002C) toward the east, and Garnkirk Farms (Site Plan No. 820120100) toward the southwest.

### **Site Analysis**

The Subject Property is currently undeveloped with existing forest cover over almost the entire property (Figure 1). A significant stream valley runs north to south along the southwest side of the Property. The

Subject Property features significant grade change from the northeast side along MD 355 sloping down to the southeast toward the stream valley.

The Property (Figure 2) contains two streams and their associated stream valleys. One stream is along the western edge of the Property and the other stream flows from the approximate center of the site, flows south and then off-site across the southern property line. The western stream is a perennial stream with five forest wetland areas, one spring, two seeps and ephemeral drainage channels that drain into it. The western stream has a defined channel that lies within a broad floodplain type of topography. All sensitive environmental features are protected by a Category I Conservation Easement and associated buffers.

The eastern stream flows for approximately 320-feet before it leaves the Property. The stream has its beginnings in a forest wetland area with a spring, but is an intermittent stream for approximately 200-feet before it becomes a perennial stream being fed by two additional springs. All sensitive environmental features are protected by a Category I Conservation Easement and associated buffers.

The two streams eventually join up further off-site, flowing to the south and joining with the Little Seneca Creek. Both stream valleys have associated steep slopes and erodible soils.

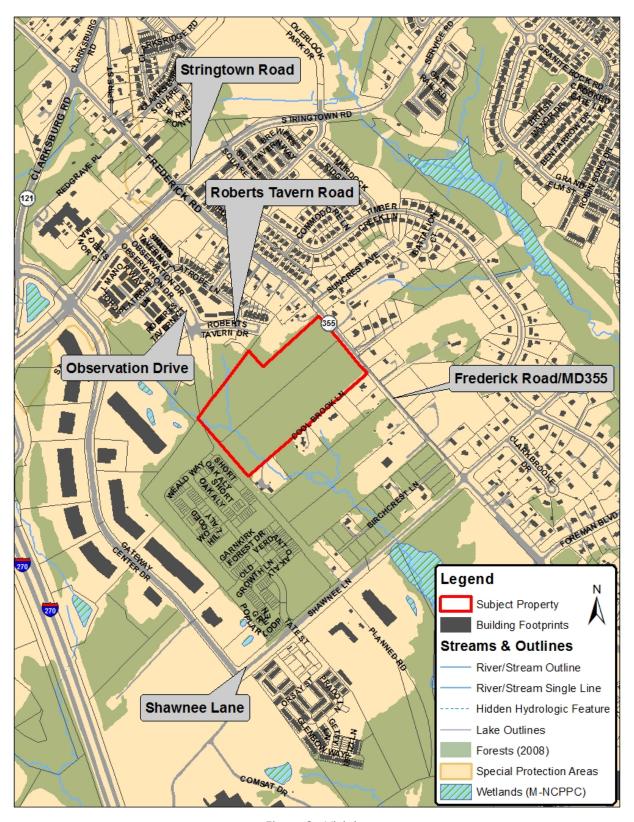


Figure 2 - Vicinity

### SECTION 4 - APPLICATIONS AND PROPOSAL

### **Previous Regulatory Approvals**

### Zoning Case G-957

The Subject Property was rezoned from R-200 to the PD-4 Zone with District Council Resolution 18-299 adoption on October 20, 2015 [Appendix B]. The Development Plan associated with zoning case G-957 has binding elements. The Development Plan was approved for a minimum of 42 percent green area and 257 parking spaces. By agreement with the Planning Board, off-street parking will be limited to 2.25 space per dwelling unit in order to reduce imperviousness. The following elements were considered binding to the Development Plan:

- (a) The Development Plan is subject to a Site Plan review by the Planning Board.
- (b) Impervious Area will not exceed 30 percent; however, does not include Master Planned Roadways.
- (c) The densities, use and mix of housing types are as specified in the following table:

**Table 1: Uses Permitted** 

| Uses Permitted |              |                 |                |  |  |
|----------------|--------------|-----------------|----------------|--|--|
|                | No. of Units | No. of Bedrooms | No. of Parking |  |  |
|                |              |                 | Spaces         |  |  |
|                |              |                 | Required       |  |  |
|                |              |                 | (spaces)       |  |  |
| Residential    | 105 units    |                 | 210            |  |  |
| Uses           |              |                 |                |  |  |
| Detached Units | 21 units     | 4 to 6          | 42             |  |  |
| Attached Units | 84 units     | 3 min.          | 168            |  |  |

| MPDU Density Bonus |                               |                               |  |  |  |
|--------------------|-------------------------------|-------------------------------|--|--|--|
|                    | Permitted/ Allowed            | Provided                      |  |  |  |
|                    | 118 total units (4.84 du/ac.) | 105 total units (4.31 du/ac.) |  |  |  |
|                    | 21.6% Bonus Density           | 8.2% Bonus Density            |  |  |  |
|                    |                               |                               |  |  |  |
|                    | 16 additional market units,   | 7 additional market units,    |  |  |  |
|                    | plus 5 additional MPDUs       | plus 1 additional MPDUs       |  |  |  |
| Green Area         |                               |                               |  |  |  |
|                    | 40% or 9.75 ac.               | 42% or 10.24 ac.              |  |  |  |

### **Current Applications**

## Preliminary Plan 120160030

The Preliminary Plan, No. 120160160, proposes for a subdivision of 84 lots for 84 one-family attached houses and 21 lots for 21 one-family detached houses, multiple open space outlots and parcels for private streets. The Preliminary Plan was reviewed for conformance with Chapter 50, Subdivision Regulations and is in substantial conformance with the recommendations of the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* ("Master Plan").

### Site Plan 820160060

The Site Plan, No. 820160060, proposes constructing 84 townhouses (80 percent of the total units) and 21 one-family detached dwelling units (20 percent of the total units), with associated on-street parking and open space amenities ("Site Plan"). The Site Plan was reviewed for conformance to Chapter 59, the Zoning Ordinance. Collectively the Preliminary Plan and the Site Plan are also referred to as the Applications ("Applications"). Staff recommends Approval of the Applications with conditions.

#### **Proposal**

The Preliminary Plan No.120160160 and the Site Plan No. 820160060 propose 105 lots, consisting of 21 single-family detached units and 84 townhouses (including a minimum of 13.3 percent MPDUs).

#### Streets

The Applicant will dedicate approximately 1.74 acres of right-of-way for the future construction of Observation Drive and approximately 2.59 acres of right-of-way for the future construction of Robert's Tavern Road.

The internal street network is a combination of public and private streets. Street C and Street B as shown on the Preliminary Plan will be secondary public streets within a 60-foot right-of-way (See Figure 4). Public Street C will serve as the main access road to MD 355. Street D in the southeast part of the Subject Property, which acts as a loop connecting at both ends to Street B, will be designed as a tertiary street. A short section of Street B, northwest of its intersection with Street C, will be constructed within public right-of-way but will not be under County maintenance. This section of Street B transitions from public to private at a corner which provides no public turnaround meeting MCDOT standards. This roadway alignment will likely be a temporary condition that will be removed when, and if, a future Capital Improvement Project (CIP) is approved and completed for Roberts Tavern Road to its ultimate section. This future CIP project should include relocating the main entrance from Public Street C to a newly constructed street through the adjacent parcel to the northwest to intersect with Roberts Tavern Road (Figure 3). When Roberts Tavern Drive is completed, the current access point (Public Street C) can no longer be used because of the grade differentials. At this point, the right-of-way for Street C will likely be abandoned once Street B is extended to intersect Roberts Tavern Drive. In the interim, the Applicant will enter into a Maintenance and Liabilities Agreement with MCDOT [See MCDOT's letter in Appendix 4] to allow private maintenance of Street B until a turnaround or access meets MCDOT's standards. In the event a CIP project for Robert's Tavern Drive is never undertaken, Public Street C is designed to continue to be the main entrance to the subdivision in perpetuity.



Figure 3– Future Main Entrance Realignment with Completion of Roberts Tavern Drive

With the exception of a portion of Street B (south of Street C), Street C and Street D, all remaining internal roadways and alleys will be private (Figure 4).

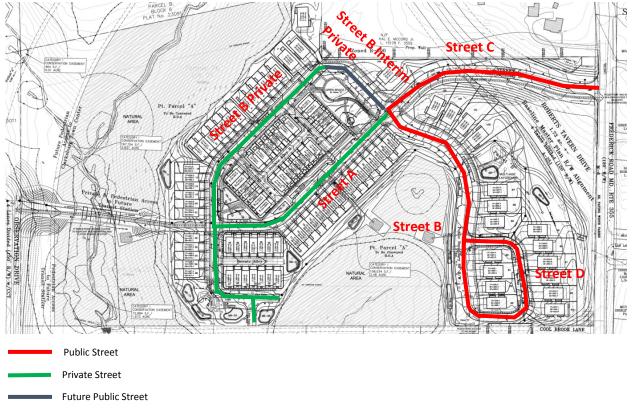


Figure 4 – Public and Private Streets

### **Sidewalks**

All private streets have sidewalks on both sides of the roadway. Public Streets C and D have sidewalk only on one side of the roadway. Because these streets are essentially single loaded and because this Property is in a SPA, the Board is asked to support a waiver for sidewalk on one side of these streets.

### **Sewer and Water Utilities**

All of the lots will be served by public water and sewer infrastructure. Sewer and water will enter and exit the Property on the southwest side via a concrete lined earth filled land bridge over the stream channel to provide gravity sewer to a manhole in the Observation Drive right-of-way. Water service will also use this land bridge but other connections to MD 355 will constructed to complete a WSSC required "loop" system for water service.

#### **Pedestrian Connection**

A pedestrian connection to Observation Drive and the future Corridor Cities Transitway will occur over the stream valley within the land bridge and will be ten feet wide.

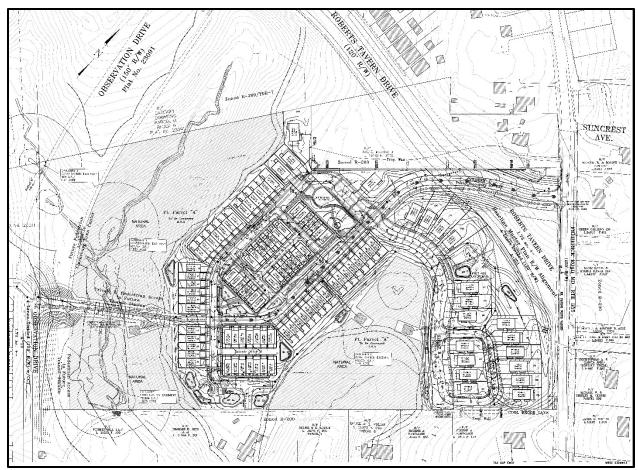


Figure 5 – Preliminary Plan

### SECTION 5 – ANALYSIS AND FINDINGS - Preliminary Plan No. 20160030

1. The Preliminary Plan substantially conforms to the Master Plan

The issue of conformance with the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* (Master Plan) was largely determined during Zoning Case G-957. The development remains relatively unchanged from the Development Plan and the findings for Master Plan conformance remain valid.

The Land Use Plan of the Master Plan recommends the Property for development at two to four dwelling units per acre. The Master Plan identifies the Property as part of the Transit Corridor District (District), which encompasses 990 acres of land and includes properties traversed by the future transitway that the Master Plan proposes. The 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 Applications 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 CCT. However, development on the Property, which is recommended for two to four dwelling units per acre (Master Plan 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 (Master Plan Page 55). This Preliminary Plan conforms to this lot pattern by placing detached homes with frontage along MD 355 and access from the rear through an alley.

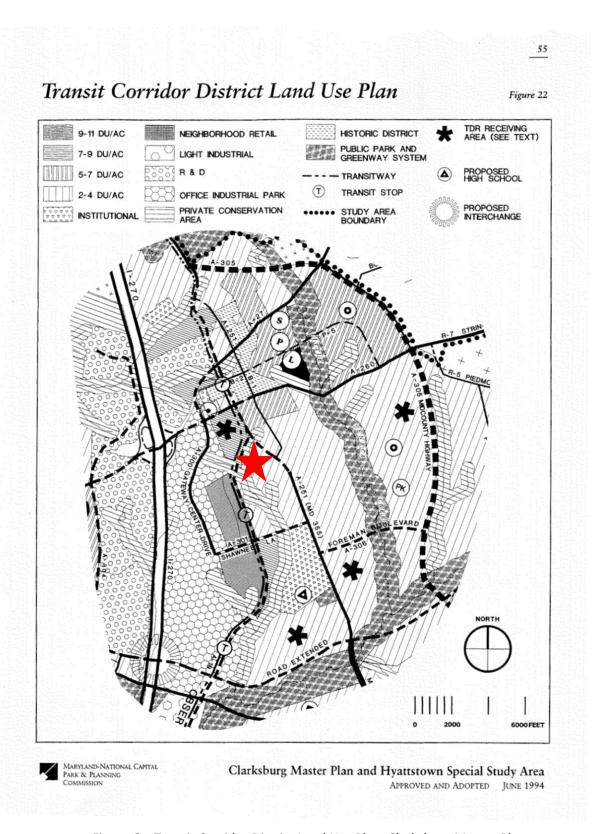


Figure 6 – Transit Corridor District Land Use Plan, Clarksburg Master Plan

#### **Environment**

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). The Master Plan "strongly encourages" landowners to allow areas within 175 feet of the stream to remain undisturbed and to permit regeneration of forest if these areas are not presently wooded. Further, the Master Plan, Page 206, mandates a minimum 125-foot wide stream buffer, in excess of the standard 100-foot minimum width dictated by the Environmental Guidelines.

The Application generally attempts to follow the strong encouragement of the Master Plan by providing the 175-foot undisturbed buffer and in some case exceeding this standard. However, there are multiple areas bordering townhouse sites and roads where this buffer cannot be implemented due to topographic constraints, however, in all cases, the Application meets the minimum 125-foot buffer mandated by the Master Plan. 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 pedestrian and bicycle access to the future Corridor City Transit way (CCT) station. This pedestrian and bike path will be co-located on top of the concrete lined earth filled utility bridge.

### **Transportation**

### Master Plan Roadways and Pedestrian/Bikeway Facilities

The Master Plan, and the 2005 Countywide Bikeways Functional Master Plan include the following roadway/bikeway facilities that directly impact the Subject Property:

- Frederick Road (MD 355) between Newcut Road Extended and Observation Drive is designated
  as a four-lane divided arterial, A-251, with a recommended 120-foot wide right-of-way and a
  Class I bikeway, B-3. The Countywide Bikeways Functional Master Plan recommends a dual
  bikeway, DB-18, with bike lanes and a shared-use path on the east side. The existing right-ofway ranges from approximate 43 to 72 feet wide.
- Roberts Tavern Drive between Frederick Road and Observation Drive is designated as part of the four-lane divided arterial, A-251, (and a bypass of the historical district) as described above. The MCDOT Phase I Facility Planning Study for Roberts Tavern Drive Extended (between Latrobe Lane and Frederick Road) was completed in 2010 but the Montgomery County Council did not recommend it be funded for Phase II design.
- Observation Drive <u>south</u> of Roberts Tavern Drive is designated as a four-lane divided arterial, A-19, with a recommended 200-foot right-of-way that includes a 150-foot wide roadway right-of-way, a 50-foot wide transitway right-of-way, and a Class I bikeway, B-16. The *Countywide Bikeways Functional Master Plan* recommends a shared-use path, SP 69, along Observation Drive on the west side.

Public Street C and Public Street B (Figure 4) are proposed public secondary streets along with a tertiary public street looping back to Street B on the southeastern side of the Subject Property. Public Street C is proposed to be the site's only interim access point to connect to Frederick Road/MD 355. The current plans show Street B terminating at the southern property line with a loop created by Street D back to Street for vehicle turnaround. Furthermore, the right-of-way for Street B abuts the property line of the Subject Property so that it could be extended to the south through the adjacent properties to connect to Frederick Road/MD 355 when those properties

develop. All three internal streets must comply with the MCDOT design standards and the Fire and Rescue Service requirements. Although the grade establishments for Street C at 6.0% and Street B at 10.0 percent are permitted by MCDOT (i.e., with a maximum of 10%), the slope is steeper than the typical ADA recommended 5 percent grade.

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

#### **Roads and Transportation Facilities**

Until Roberts Tavern Drive Extended in the future the proposed Dowden Station Way will be the main access to Frederick Road/MD 355.

The ultimate access point from Frederick Road/MD 355 will be from Roberts Tavern Drive when it is constructed between its eastern terminus at Latrobe Lane and Frederick Road/MD 355. A second future access point would be the extension of the internal Public Street B through the adjacent property, identified as "The McCord property", to connect to Frederick Road/MD 355 when they redevelop (Figure 3).

A Gap Study was performed to determine if there will be available gaps to allow turning traffic in and out of Dowden's Station Way to Frederick Road/MD 355. The Gap Analysis indicates that there will be sufficient gaps to allow traffic to access the site.

The Planning Board has the authority to review and provide a waiver from any applicable design standard to promote context sensitive design under Chapter 49. A design exception package addressing these modifications has not been submitted to MCDOT at this time but is required prior to Certified Preliminary Plan. The Applicant proposes the following design modifications:

- 1. Public Street B: The street paving will be offset in the right-of-way in order to take up some of the cross sloping grade along the street. In addition, the sidewalk is proposed on only one side the street because the street is single loaded (houses on only one side). Furthermore, the offset cross section does not allow for a sidewalk to fit within the right-of-way on the other side of the street. MCDOT supports this modification in its letter dated August 11, 2016.
- 2. Public Street C: This street is modified to have a sidewalk on only one side of the street because the street is single loaded with houses. It should be noted that Street C is the interim connection to Frederick Road/MD 355 and will be abandoned in the future. MCDOT supports this modification in its letter dated August 11, 2016.
- 3. Public Street D: Proposes a reduced centerline turning radii (40 feet) in the area of Lot 90 and 93 shown on the Preliminary Plan. MCDOT supports this modification in its letter dated August 11, 2016.

### **Corridor Cities Transitway**

The Maryland Transit Administration (MTA) current "preferred alignment" of the Corridor Cities Transitway's (CCT) along Observation Drive includes an exclusive busway within its right-of-way. These Applications do not, in any way, prohibit or imped the future construction of the CCT.

## **Bus Rapid Transit Corridors**

The 2013 adopted *Countywide Transit Corridor Function Plan* recommends the MD 355 North Corridor between the Shady Grove Metrorail Station and the Clarksburg Town Center/the Frederick Road-Redgrave Place intersection. The MD 355 North Corridor segment between the Little Seneca Creek and Redgrave Place is recommended to operate the buses in mixed traffic within the master-

planned 120-foot wide right-of-way. These Applications do not, in any way, prohibit or imped the future construction of the required Bus Rapid Transit Corridors.

### Available Public Transit Service

Currently, the only public transit route operating along the Property's Frederick Road frontage is Ride-On Bus Route 75. This Ride-On route operates weekday service between the Germantown Transit Center and destinations along Clarksburg Road (MD 121). When the master-planned BRT and CCT are built, these alternative non-single-occupancy-vehicle transportation modes will provide north-south travel options.

#### Pedestrian Facilities

The Applicant has provided adequate ADA-compliant pedestrian connections within the site.

### Site's Access's Gap Analysis from Frederick Road

The policy and standards for gap analyses include the following:

- An established "Policy Area Review" for the Clarksburg Policy Area is a Level of Service (LOS) of mid-D. An average of mid-D or less corresponds to the Clarksburg Policy Area standard for roadway adequacy of "suburban". These standards were specified in the 2012-2016 Subdivision Staging Policy" (SSP) on page 26b and 27.
- The corresponding mid-D LOS 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:
  - 1. 7.5 seconds for left turns from the minor street/access road
  - 2. 6.5 seconds for right turns from the minor street/access road
  - 3. 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 and from along the two-lane segment of MD 355 to/from the site driveway.

A Gap Study, in accordance with 2011 American Association of State Highway and Transportation Official's (AASHTO) standards, was conducted for 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 as part of the rezoning case, the number of acceptable time gaps compared to the projected traffic volume demand is as follows:

Table 2: GAP Analysis (March 11, 2016)

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

Thus, the number of acceptable time gaps exceeds the projected traffic volume demand and no mitigation is required.

## Local Area Transportation Review (LATR)

The proposed 21 single-family detached units and 84 attached units generate the following number of peak-hour trips:

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

A traffic study, dated March 2, 2016, was submitted to satisfy the LATR test because the total number of site-generated peak-hour trips is 30 or more. Based on the traffic study results, the capacity/Critical Lane Volume (CLV) values at the studied intersections are shown in the table below for the following traffic conditions:

- 1. <u>Existing</u>: The existing traffic condition
- 2. <u>Background</u>: The existing condition plus the trips generated from approved but un-built nearby developments.
- 3. <u>Total</u>: The background condition plus the additional site-generated trips based on proposed 140 housing units.

Table 3: Summary of Critical Lane Volume (CLV) Calculations

|                                    | Traffic Condition |               |     |       |       |     |
|------------------------------------|-------------------|---------------|-----|-------|-------|-----|
| Studied Intersection               |                   | xisting Backg |     | round | Total |     |
|                                    | AM                | PM            | AM  | PM    | AM    | PM  |
| Frederick Road & Stringtown Road   | 784               | 787           | 885 | 963   | 925   | 992 |
| Frederick Road & Foreman Boulevard | 909               | 812           | 968 | 889   | 974   | 896 |
| Frederick Road & Site Access       |                   |               |     |       | 504   | 650 |

As indicated in the table 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.

## **Transportation Policy Area Review**

The Subject Property is located within the Clarksburg Policy Area for the Transportation Policy Area Review ("TPAR") test. For the current TPAR test, the roadway test for the Clarksburg Policy Area is adequate, and the transit test is inadequate. Therefore, the Applicant must make a TPAR mitigation payment equal to 25 percent of the General District Transportation Impact Tax, pursuant to the 2012-2016 Subdivision Staging Policy. 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.

### **Sewer and Water Facilities**

Other public facilities and services are available and adequate to serve the proposed lots. The Property is located in the W-1/S-3 water and sewer service categories. As such, the Applicant will extend public water and sewer infrastructure to serve all the lots in the subdivision.

Three sewer alternatives were analyzed at the time of zoning application. A complete discussion of the sewer alternatives is available in the Appendix section of this Staff Report.

The alternative proposed by the Applicant (Figure 7) and supported by Staff and the Planning Board at the time of the local map amendment, crosses the stream valley running south via a proposed concrete lined earth filled land bridge to connect to an existing manhole in the right-of-way in Observation Drive. This alternative would extend approximately 580 feet of gravity sewer in the land bridge over the stream channel and has been designed to limit impact to the stream buffer. Because the Subject Property abuts the right-of-way of Observation Drive, the Applicant has the ability to access and connect to existing public sewer infrastructure. This alternative also integrates a 10-foot wide pedestrian connection to Observation Drive and the future Corridor Cities Transitway on top of the utility/pedestrian land bridge providing necessary pedestrian access to the Observation Drive and the future Corridor Cities Transitway station.

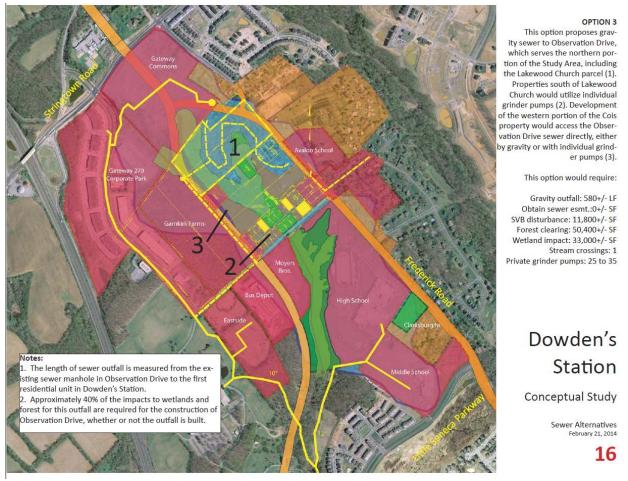


Figure 7: Proposed Sewer Alignment

Staff supports the Applicant's proposal to cross the stream valley with the land bridge because of the limited land area and relatively low amounts of future development that could be served by other alternatives. Furthermore, implementing the Applicant's proposal does not necessarily leave remaining properties in the sewer basin without access to sewer in the future. However, it does mean that more individual grinder pumps will have to be utilized. Staff also supports this proposal for sewer service because it provides a pedestrian connection to the CCT for the 105 proposed units proposed on the Subject Property, as well as surround neighborhoods, which is identified in the Master Plan as the Transit Corridor District. This decision was made in consultation with the Montgomery County Department of Environmental Protection and with the Washington Suburban Sanitary Commission.

#### Other Public Facilities and Services

The Application was also reviewed by the Montgomery County Fire Marshal's office, and was approved on May 12, 2016. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the FY 2016 SSP. The Application is located in the Clarksburg School cluster, which is not identified as a school facility payment or a school moratorium area; and is not subject to a School Facilities Payment.

3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot sizes, widths, shapes and orientations for the townhouse and detached one-family units are appropriate for the location of the subdivision taking into account the design recommendations included in the Master Plan and the binding elements of zoning case G-957.

The lots were reviewed for compliance with the dimensional requirements for the PD-4 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 4. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

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

The Preliminary Forest Conservation Plan (G-957) was approved by Planning Board Resolution dated July 24, 2015 during the review of zoning case G-957 for the Subject Property, which included a Development Plan. The Final Forest Conservation Plan (FFCP) was submitted as part of this Application and is consistent with the previously approval Preliminary Forest Conservation Plan. The Subject Property is completely forested with 22.16 acres of existing forest cover. The FFCP proposes to remove 13.88 acres of forest and retain 8.00 acres.

The findings and conditions of the Final Forest Conservation Plan are fully discussed in the Site Plan Section of this Staff Report.

5. All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.

A Preliminary Water Quality Plan (G-957) was approved by the Planning Board Resolution dated July 24, 2015 during the review of the re-zoning of the Property. The Final Water Quality Plan was submitted as part of this Application and proposes to protect the areas of environmental buffer, stream buffer, existing forest, and in a Category I Conservation Easement. The Final Water Quality Plan is consistent with the previously approved Preliminary Water Quality Plan. The Applicant has demonstrated efforts to minimize impervious surfaces. In a letter dated June 23, 2016, MCDPS conditionally approved their portion of the SPA Water Quality Plan including site performance goals, stormwater management, sediment and erosion control and BMP and stream monitoring. The approved stormwater management concept plan proposes combination of micro-bioretention cells and planter box micro-bioretention to meet requirements.

The finding and conditions of the Final Water Quality Plan are fully discussed in the Site Plan Section of this Staff Report.

### SECTION 6 - ANALYSIS AND FINDINGS - Site Plan No. 820160010

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

The Site Plan conforms to all non-illustrative elements and all binding elements of the Development Plan approved with Local Map Amendment Application G-957 by the District Council on October 20, 2015, with Resolution No. 18-299 (Appendix 2). The binding elements, as set forth above, specified densities, permitted use, mix of housing types (including MPDUs), number of parking spaces, minimum green area, and impervious cap.

The Site Plan conforms to these binding elements by developing the site with 21 single family detached homes and 84 townhouses; providing 13.3 percent of the units (or 14 units) as MPDUs; and maintaining the maximum surface parking space at 2.25 space per dwelling unit, maximum impervious area (30 percent), and minimum green area (45 percent) as further discussed in the Conformance with Chapter 19 and 22a Findings below.

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

The Site Plan meets all of the requirements of the Planned Development (PD-4) Zone and satisfies the purposes of the Zone as established by the Zoning Ordinance in effect prior to October 30, 2014, when this Application was accepted. Section 59-C-7.1 indicates that the purpose of this zone is 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 the master plans. This zone is intended to 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 permit as a right under the conventional zone categories. This zone is also 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 County plans and policies that may be possible under other zoning categories.

Consistent with the District Council findings for G-957, the Site Plan satisfies the purpose of the PD-4 Zone. As demonstrated in Table 4 below, the project meets all of the applicable requirements and development standards of the Zone.

Table 4: Data Table for the PD-4 Zone

| Development Standard   | Zoning Ordinance<br>Permitted/Required  | Site Plan No.<br>820160060   |  |
|--|---|------------------------------|--|
| Site Area (ac.)  |   |                              |  |
| Min. Gross Tract Area [59-C-7.12]  | Accommodates 50 or more dwelling units. | 24.37                        |  |
| Road Dedication Observation Drive Intersection of Robert's Tavern Drive & MD 355 | n/a<br>n/a                              | 2.59<br>1.97                 |  |
| Min. Net Tract Area  | n/a                                     | 19.81                        |  |
| Max. Density w/ MPDU Bonus   | 118 units<br>(4.84 d.u./ac.)            | 105 units<br>(4.31 d.u./ac.) |  |
| Total Units  | <sup>2</sup> 50 or more units           | 105 units                    |  |
| PD-4 Detached  | 10 units                                | 21 units                     |  |
| PD-4 Attached  | 40 units                                | 84 units                     |  |
| Residential Density (du/acre)<br>[59-C-7.44-a]                                   | 4.0                                     | <sup>3</sup> 4.31            |  |
| Min. MPDUs [Chapter 25A] [59-C-7.44-b3]  | 12.5% (12 MPDUs)                        | 13.3% (14<br>MPDUs)          |  |
| Min. Building Setbacks (ft.)<br>[59-C-7.45]                                      |   |                              |  |
| Attached dwelling units from adjoining properties                                | 100 ft.                                 | 100 ft.                      |  |
| Attached dwelling units front setback BRL  | N/A                                     | 5 ft.                        |  |
| Single-family dwelling units front setback BRL                                   | N/A                                     | 15 ft.                       |  |
| Attached dwelling units side setback BRL   | N/A                                     | 6 ft.                        |  |
| Single-family dwelling units side setback BRL                                    | N/A                                     | 6 ft.                        |  |
| Attached dwelling units rear setback BRL   | N/A                                     | 5 ft.                        |  |
| Single-family dwelling units rear setback BRL                                    | N/A                                     | 20 ft.                       |  |
| Lot 94   | 50 ft.                                  | <sup>4</sup> 27 ft.          |  |
| Lot 104  | 50 ft.                                  | 12 ft.                       |  |
| Lot 105  | 50 ft.                                  | 32 ft.                       |  |

<sup>&</sup>lt;sup>2</sup> In accordance with Section 59-C-7.122 (a), no land may be classified in the planned development zone unless the district council finds that the proposed development contains sufficient gross area to construct 50 or more units under the density category.

<sup>&</sup>lt;sup>3</sup> In accordance with Section 59-C-7.14 (c), the maximum density may be exceeded to accommodate more MPDUs.

<sup>&</sup>lt;sup>4</sup> In accordance with Section 59-C-7.15, the Applicant is requesting a compatibility waiver (Appendix 1b) for Lots 94, 104 and 105. A more detailed explanation is expressed under the third finding.

| Development Standards (continued)      | Zoning Ordinance Permitted/ Required | Site Plan No.<br>820160060   |
|--|--------------------------------------|------------------------------|
| Min. Green Area (ac.) [59-C-7.462]     |                                      |                              |
|  | 40% (9.75 ac.)                       | <sup>5</sup> 45% (10.97 ac.) |
| Max. Building Height (ft.) [59-C-7.47] |                                      |                              |
| Attached Units                         | N/A                                  | 50 ft.                       |
| Single-family Units                    | N/A                                  | 50 ft.                       |
| Min. Vehicle Parking Spaces (59-E)     |                                      |                              |
| Residential (105 units)                | 210 spaces                           | 253 spaces                   |
|  | (2 spaces/ du.)                      | (2.25 spaces/ du.)           |
| Off-Street Parking                     | N/A                                  | 210 spaces                   |
| On- Street Parking                     | N/A                                  | 42 spaces                    |
| Handicap Spaces                        | N/A                                  | 1 spaces                     |

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

## **Locations of buildings and structures**

The location of buildings and structures is adequate, safe, and efficient. The development includes 21 one-family detached units (20 percent of the total units) located south of Frederick Road (MD 355). As recommended by the Clarksburg Master Plan (Master Plan, page 54), these units (Lots 1, 2, 87 through 105) front onto Frederick Road (MD 355) and Roberts Tavern Drive (extended alignment, Figure 11 below). The size of the lots and orientation of the buildings are consistent with the existing residential character along the roadway. Lots 94 through 104 are setback approximately 43-feet from Frederick Road in order to accommodate the future alignment of Roberts Tavern Drive (a 120-foot R/W, 4-lane divided roadway). The proposed buildings and grades, near the entrance of the Subject Property, create a noise barrier along Frederick Road. Upon completion of Roberts Tavern Drive, the proposed main entrance from Frederick Road will be eliminated (due to grading constraints) and Roberts Tavern Drive will become the primary vehicular access into the site (Figure 11 below).

In accordance with Section 59-C-7.15 Compatibility, the Applicant is requesting a compatibility waiver for the following three lots, because the height of all three residential buildings (50-feet) is greater than the distance of the required setbacks (Table 5 below).

<sup>&</sup>lt;sup>5</sup> The amount of green area has been increased, per the Development Plan approval.

**Table 5: Compatibility Table** 

| Lots | Lot Size   | Min. Building Setback | Max. Building Height |
|------|------------|-----------------------|----------------------|
|      |            | (ft.)                 | (ft.)                |
| 94   | 0.16 acres | 27                    | 50                   |
| 104  | 0.25 acres | 12                    | 50                   |
| 105  | 0.23 acres | 32                    | 50                   |

Lot 94 is a one-family dwelling unit that is setback from Cool Brook Lane approximately 27 feet and the first floor elevation is approximately 4-feet lower than the existing grades. Lots 104 and 105 are one-family dwelling units that are setback a minimum of 12-feet from the Hal McCord Property (north of the Subject Property, approximately 3-acres). A retaining wall is located between the proposed residential lots and the Hall McCord property line.

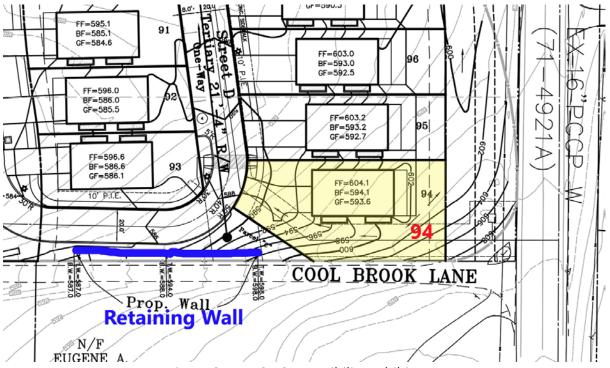


Figure 8 - Lot 94 Compatibility Exhibit

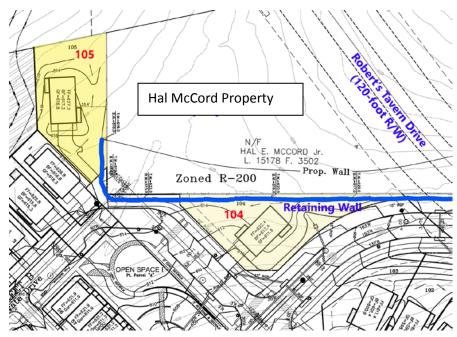


Figure 9: Lots 104 and 105 Compatibility Exhibit

Staff supports this waiver, because the residential buildings will not adversely impact view from adjoining properties. The Roberts Tavern Drive alignment bisects the Hal McCord property; and therefore, separates the southern portion of the property from the existing residence. Major views from the Hal McCord property will not be negatively impacted by the location of the proposed one-family dwellings. The Applicant has also been in contact with the property owner regarding a grading easement for the retaining wall along the property line.

In addition to the one-family lots, this development will also include 84 townhouse units (80 percent of the total number of units). The townhouse units (Lots 3 through 86) are strategically located toward the interior of the Subject Property in order to maximize density, minimize the development area, and accommodate large green areas for community recreation (passive and active recreation facilities). Lots 3 through 33 and 71 through 86 are located along the outer edge of Streets A and B and back onto the stream valley buffer and forested edge. Therefore, the rear yards of these units will be fully enclosed by the forested edge. Major views from the interior of the Property toward the forest are preserved through the building's orientation and clustering of the attached units. The arrangement of the townhouses meets the standard provision of no more than 8 units per cluster.

### Open Spaces, Vehicular and Pedestrian Circulation Systems

The location of open space is adequate, safe, and efficient. The Site Plan provides a variety of well-connected open and green spaces that meet several goals and requirements including recreation, reforestation, stormwater management and compatibility. The Circulation and Green Space Diagram (Figure 10 below) illustrates the location of the open spaces and the

surrounding circulation systems. As indicated in Figure 10 below, the development will provide four open space areas: 1) a multi-age playground, 2) a tot lot, 3) a seating area, and 4) an open space area. The open space areas are accessible and adequately spaced throughout the Subject Property. The area dedicated towards open green space exceeds the minimum requirement by providing 10.97 acres (45 percent of the gross tract area), which has been slightly increased from the Development Plan approvals.

The pedestrian and vehicular circulation systems are adequate, safe, and efficient. Vehicular access is currently provided to the residential units via one full movement point of entry from Frederick Road (MD 355). Street C is the primary entrance from Frederick Road, runs through the middle of Subject Property, and terminates at the Forest Conservation Easement/ stream valley crossing, on the west side of the community. This public roadway is the spine that links the internal private roadways and alleys together. Toward the center of the community (between Lots 41 through 47 and Lots 56 through 62), private alleys A and B terminate at the streetscape along Street C giving the pedestrian sidewalk priority along Street C. The continuous streetscape provides a stronger linear connection toward the forested edge. Due to the change in elevation, the vehicular connection from the private alleys to Street C was not feasible. The private alleys are proposed at a higher elevation than Street C.



Figure 10: Circulation and Green Space Diagram



Figure 11 – Future Connection to Roberts Tavern Drive

The pedestrian circulation system (e.g. the 8-foot bikeway, 5-foot sidewalks, and 10-foot shared use pathway) has two primary access points to the Subject Property (Figure 10 above). The pathways run through the center of the Property and connect the development into existing pathways within the surrounding communities.

## Landscaping

The proposed landscaping is adequate, safe, and efficient. The Landscape Plan achieves the following objectives: provides a dense buffer between neighboring properties, enhances the open space areas with shade and plant varieties, and frames major views. In accordance with the recommendations of the Master Plan and in order to protect the stream buffers, the natural areas (i.e. forested edges) wrap the outer edges of the Subject Property and make up roughly 33 percent of the gross tract area (Figure 12 below). The forested edges adequately screen the surrounding uses and protect the environmentally sensitive features between the neighboring developments.



Figure 12 – Rendered Landscape Plan



Figure 13 – Street A Streetscape

Within the Subject Property, large shade trees and ornamental trees frame major views toward the natural areas and provide shade along the public and private streets.

The streetscape along Streets A and B (i.e. private streets) are the most important connections through the community (Figure 13 above). These streets are oriented in the north/ south direction; therefore, the building's frontage along with a combination of ornamental trees (7-8' tall) and shade trees (3 ½"-4" cal.) provide shade and canopy coverage for the roads, and open space areas. A strong emphasis on linear relationships is expressed through the repetition of street trees and the building facades. Varied plant materials, the 5-foot pedestrian sidewalks, and the on-street parking spaces will slow vehicular traffic entering the Subject Property from Frederick Road (interim access point) or Roberts Tavern Drive (future primary access point, Figure 11 above). The pedestrian sidewalks form a complete loop and connect into other public amenities. The quality of these streetscapes are further enhanced by the destination nodes (e.g. tot lot, seating space and open space areas) at either ends of the block that help to define neighborhood clusters and create a sense of identity and wayfinding throughout entire development.

#### **Recreation Facilities**

The recreation facilities are adequate, safe, and efficient. A shared-use pedestrian pathway (10-feet wide) spans the width of the stream valley and provides a critical linkage to Observation Drive and the adjacent residential development (i.e. Garnkirk Farms). This pathway not only connects the adjacent communities, but also provides pedestrian access to the planned transit station at the intersection of Shawnee Lane and the future Observation Drive. The tot lot and multi-age playgrounds are located on opposite ends of the development and are designed to blend into the forested edges (Figures 14 and 15 below). The actual play equipment incorporates natural colors and materials from the surrounding landscape (e.g. tree trunks, large climbing rocks, and grassy mounds) and creates a more sustainable and playful learning experience. Some of the equipment is built into the proposed topography; creating the illusion of being naturally derived from the earth. Adequate seating is provided within the playground areas.

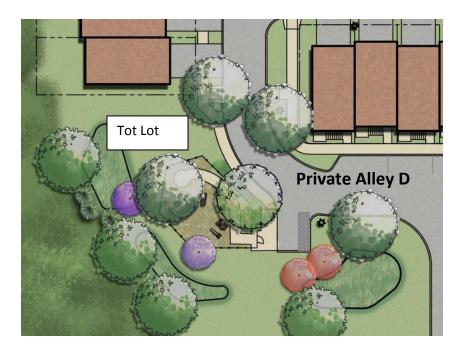


Figure 14 – Tot Lot



Figure 15 – Multi-age Playground

A seating area (Figure 16 below) is located near the entrance of the shared use pathway at the intersection of Streets A and B. It is enclosed by townhouse units, and is designed as a passive resting space for pedestrians walking along the adjacent pathways. The SWM features are strategically designed around the seating area to provide shade, color and plant variety.



Figure 16 – Seating Area

The Open Space I area (Figure 17 and 18 below) is located near to the main entrance, across from the one-family Lots 105 and 104. This space is the largest open play areas onsite (i.e. active recreation facility). The open lawns provide opportunities for large community gathering or unprogramed play; while the pathways and seating areas provide opportunities for on-watchers and more passive activities.

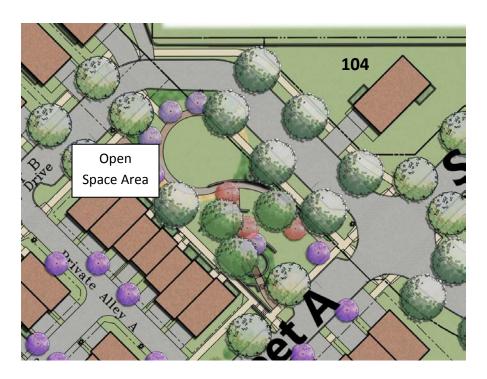


Figure 17 - Open Space Area I



Figure 18 – Open Space Area Perspective Illustration

These facilities adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation for the various age groups. The Recreation Tabulations (as shown on the Site Plan – Appendix 3b), will meet the provisions as specified in the Montgomery County Recreation Guidelines. Additionally, and as conditioned, the Applicant will submit recorded documents confirming that all of the properties in Dowden Station will be properly maintained by a Homeowners Association, upon the transfer of ownership by the developer.

#### Lighting

The lighting proposed is adequate, safe, and efficient. The majority of the light fixtures provided are located along the new public streets within the public right-of-way, which must comply with MC-DPS and MC-DOT requirements and can be adjusted without amending the Site Plan. Lighting outside the public right-of-way is located along the private roadways and driveways as well as around the green areas and the 10-foot shared use pathway. The street lighting fixtures will be a maximum 16 feet tall, including the mounted base. The lighting provided will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or surrounding properties.

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

Each structure and use is compatible with other uses and existing and proposed adjacent developments. Several on-site measures improve the compatibility between this development and the surrounding existing development. First, the dwelling types are a mix of one-family detached units and townhouse units (reference Figure 19, 20, 21 and 22 below). These dwelling types are consistent with the dwelling type in the surrounding communities. In accordance with the Master Plan requirements (page 54), the scale and intensity of the residential uses are compatible with neighboring subdivisions along MD 355, yet the prescribed densities (4.31 dwelling units/ ac.) is high enough to support the need for transit. Second, the proposed building height will not exceed the maximum height of 50 feet; which is consistent with the building height requirements for the adjacent zones (e.g. R-200, PD-11, and EOF).



Figure 19 – Detached Residential Units (internal frontage along Streets B & D)



Figure 20 – Detached Residential Units (external frontage along Frederick Road



Figure 21 – Townhouse Units (frontage along internal streets)



Figure 22 – Townhouse Units (frontage along private alleys)

Third, with the exception of Lots 94, 104 and 105, the proposed building setbacks are greater than the minimums required, which sets the new units farther away from the property lines and consequently decreases impacts on adjoining properties. Fourth, the development is adequately screened from surrounding roads and properties by preserving natural features and supplementing existing vegetation with new plant material. Finally, noise barriers (e.g. retaining walls) are provided along the property lines near Frederick Road and Cool Brook Lane to address grading issues and reduce noise levels. The Applicant has completed a noise study for Lots 87 to 99, which are the closest units in this development to Frederick Road (MD 355). No noise impact study will be required for the proposed alignment of the future Roberts Tavern Drive at this time since this proposed roadway is not on the Constrained Long Range Plan or on Montgomery County's Capital Improvements Program (CIP). The details of the noise study are discussed in the next finding; however, no mitigation is necessary for the backyards and outdoor recreation areas.

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

The entirety of this Applications is located within the Clarksburg Special Protection Area (SPA) and is therefore required to obtain approval of a water quality plan under Section 19-62 of the Montgomery County Code. This section of the code states:

- "(b) Privately owned property. Except as otherwise expressly provided in the Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:
  - (1) who is 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
  - (2) who is 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."

As part of the requirements of the SPA law, a Water Quality Plan should be reviewed in conjunction with a Preliminary Plan and Site Plan. Under Section 19-65 of the Montgomery County Code, the Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of a Water Quality Plan. MCDPS has reviewed and conditionally approved the elements of the Final Water Quality Plan under its purview. The Planning Board must determine if SPA forest conservation and planting requirements, environmental buffer protection, and limits on impervious surfaces have been satisfied. Sec. 19-65(a)(2)(A) of the Montgomery County Code states that:

"In acting on a preliminary or final water quality plan, the Planning Board has lead agency responsibility for:

- (i) Conformity with all policies in the Planning Board's Environmental Guidelines which apply to special protection areas;
- (ii) Conformity with any policy or requirement for special protection areas, including limits on impervious area, in a land use plan, watershed plan, or the Comprehensive Water Supply and Sewer System Plan; and
- (iii) Any other element of the plan in which the Planning Board has lead agency design, review, and approval responsibility."

The Preliminary Water Quality Plan was reviewed and approved as part of the Planning Board hearing of the rezoning case number G-957 on July 24, 2015.

A Preliminary Water Quality Plan (G-957) was approved by Planning Board Resolution dated July 24, 2015 during the review of the rezoning of the Property, which included a Development Plan. The Final Water Quality Plan was submitted as part of this current Application and proposes to protect the areas of environmental buffers, existing remaining forest, and planted forest in a Category I Conservation Easement. The Applicant has also demonstrated efforts to minimize impervious surfaces and maintain the target of 30 percent of the net tract area set by the Montgomery County Planning Board in its Resolution dated July 24, 2015.

## MCDPS Special Protection Area Review Elements

MCDPS has established a set of performance goals that are to be met through the implementation of the Final Water Quality Plan which include:

- 1. Protect the streams and aquatic habitats.
- 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.

In a letter dated June 23, 2016 MCDPS has found the Final Water Quality Plan to be acceptable for their portion of the Final Water Quality Plan under its purview including 1) stormwater management facilities, 2) sediment and erosion control measures and 3) Best Management Practices (BMP) monitoring.

- Stormwater Management
   Stormwater management will be provided via a combination of microbioretention, and planter box microbioretention.
- Sediment and Erosion Control
   Sediment and erosion control measures will be reviewed by MCDPS during the detailed sediment control/stormwater management plan stage.
- 3) BMP Monitoring

Required stream and BMP monitoring will be performed 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

Following is an analysis of the Planning Board's responsibilities in the review of the Final Water Quality Plan. Staff recommends approval of the elements of the SPA Water Quality under its purview.

## 1) Priority Forest Conservation Areas

The Applications meet the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The Final FCP (FFCP) was submitted with this Application. As part of the FFCP, the Applicant is retaining 8.00 acres of existing forest, including all of the forest within the environmental buffers. The forest conservation requirements are described in more detail in the Forest Conservation Plan section of this report. Per SPA requirements outlined in the Environmental Guidelines, areas of the environmental buffer currently lacking forest will be reforested, forest plantings will occur during the first planting season after issuance of grading permits when possible, and a five-year maintenance program to better ensure forest survival, with emphasis on controlling

invasive species is required. The retained and planted forest on-site will be protected through a Category I Conservation Easement.

#### 2) SPA Environmental Buffer Protection

The Applications propose the minimal amount of disturbance within the stream valley buffer (SVB) for the stream at the rear of the site in order to install a pedestrian/utility bridge connecting this site to Observation Drive. See Forest Conservation Plan Section for discussion of the bridge connection.

#### 3) Impervious Surfaces

The Clarksburg SPA does not have a specific numerical limit on impervious surfaces. However, a main goal for development in all SPAs is to reduce or minimize the amount of impervious surfaces. In this case, the Planning Board Condition of Approval Number 2 of the Preliminary Water Quality Plan required that the Applicant must limit impervious surfaces to an overall target of 30 percent. The Board understood that this target may need to be reevaluated at the time of Site Plan and Final Water Quality Plan review due to additional requirements that may be deemed essential for the Site Plan. The target of 30 percent impervious surface limit was used to allow flexibility for future adjustments that might be necessary due to specific design requirements or other county regulations at the Site Plan review stage.

The Site Plan review stage is complete and the Impervious Surface Exhibit submitted with the Final Water Quality Plan proposes 6.05 acres of impervious surfaces over the net tract area of 20.69 acres resulting in an impervious surface calculation of 29.26 percent (Table 6). Staff's recommendation for The Final Water Quality Plan included with this Application proposes a condition limiting impervious surfaces to no greater than 30 percent over a net tract area of 20.69 acres.

| Tract Area: Gross Tract Deduct (R/W Dedication) Total Net Tract | 1,061,688 sq. ft. (24.37 acres)<br>160,301 sq. ft. (3.68 acres)<br>901,387 sq. ft. (20.69 acres) |
|---|--|
| Impervious Surfaces:<br>Net Tract Total                         | 263,793 sq. ft. (6.05 acres)   |
| % Impervious Area:<br>Net Tract                                 | 29.26%   |

**Table 6**: Impervious Surfaces Calculations

#### **Forest Conservation**

#### Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420132130 for this Property was approved in April 2014. The NRI/FSD identifies the environmental constraints and forest resources on the subject property. The Property includes two streams, six forest wetland

areas, four springs, three seeps and environmental buffers within the watersheds of these streams. This site drains to the Clarksburg tributary of the Little Seneca Creek watershed. The Subject Property contains approximately 24.19 acres of forest, slopes greater than 25 percent, highly erodible soils, wetlands, seeps and streams.

#### **Forest Conservation Plan**

A Preliminary Forest Conservation Plan was approved by the Planning Board on July 24, 2015 as part of the rezoning case for Dowden's Station, Plan Number G-957. As required by Section 22A-11(b)(2) of the Montgomery County Code, the current application includes a Final Forest Conservation Plan (FFCP).

This Property is zoned PD-4 which is assigned a Land Use Category of Mixed-Use Development in the Land Use Table of the Environmental Guidelines. This give the site an afforestation requirement of 15 percent of the net tract and a conservation threshold of 20 precent.

The FFCP shows a total of 22.16 acres of forest on the project site. The FFCP proposes to remove 13.95 acres and retain 8.21 acres of forest. When the numbers of the total tract area, land use category, total amount of forest, forest removed and forest retained are entered into the Forest Conservation Worksheet it results in a total afforestation/reforestation requirement of 0.00 acres.

All of the retained forest and the environmental buffer areas will be protected by a Category I Conservation Easement. Proposed impacts to trees subject to Section 22A-12(b)(3) of the Montgomery County Code were approved as part of the Planning Board approval of the Preliminary Forest Conservation Plan.

The Applications meet the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The FFCP 820160060 was submitted on December 4, 2015. The project site contains 22.16 acres of existing forest. As part of the FFCP, the Applicant proposes to remove 13.88 acres of forest and retain 8.00 acres. This results in a total afforestation/reforestation requirement of 0.00 acres since the amount of retained forest is greater than the forest retention threshold of 4.40 acres for this project. The retained forest onsite will be protected through a Category I Conservation Easement.

#### **Environmental Buffer Protection**

The Subject Property has two perennial streams with their associated stream valley buffers (SVB) and six forest wetland areas with wetland buffers. Five of the six wetland areas are located adjacent to the western stream while one wetland is located at the terminus of the intermittent portion of the eastern stream.

These Applications propose to impact a portion of the stream valley buffers (SVB) and wetlands along the western stream. This impact is the result of the Applicant proposing to construct a compacted earthen filled bridge structure through the SVB to carry an 8" water line, an 8" sewer line and a 10-foot wide concrete pedestrian sidewalk to Observation Drive offsite. The bridge is approximately 370-feet in length and 35-feet wide. The Applicant proposes to construct this bridge from preformed concrete panels creating the sides of the bridge structure; a 50-foot wide, 17-feet high open bottom culvert spanning the stream itself along with two 16-feet by 15-feet arches on either side of the main arch (Figure 23); and then filling the structure with

compacted soil. The water and sewer lines would be buried in the soil within the bridge structure then the pedestrian path would be installed along the top of the bridge.

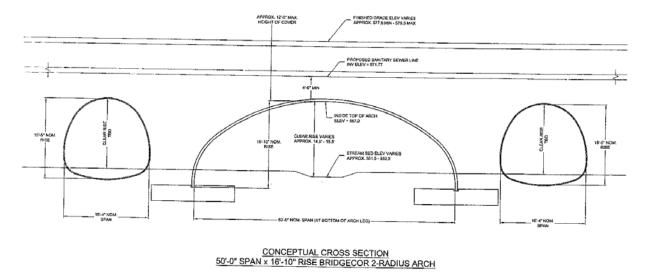


Figure 23: Elevation section of pedestrian bridge at stream crossing

These Applications propose no impacts to the SVB or the wetland area for the eastern stream even though a significant amount of forest cover is being removed in this area. All environmental buffers are contained within the retained forest and are protected through a Category I Conservation Easement.

#### **Forest Conservation Variance**

As required under Section 22A-12(b)(3) of the Forest Conservation Law a variance must be approved by the Planning Board if trees 30" DBH or greater are impacted. The Applicant proposes to remove or impact fifteen trees which are 30" diameter breast height (DBH) or greater. As required under Section 22A-21 the Applicant has previously sought and was granted approval of a variance on July 24, 2015 as part of the Preliminary Forest Conservation Plan approval.

#### **Noise Analysis**

A noise impact study is required for the 13 residential units located on Lots 87 to 99 which are the closest units in this development to Frederick Road (MD 355). Section 2.1 of the Montgomery County "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" (Noise Guidelines) dated 1983 require that a noise analysis be done when a proposed structure lies within 300-feet of an arterial road with an average daily traffic (ADT) of 5,000 to 20,000. These 13 lots fall within 300-feet of MD 355 which is classified as an arterial street with an ADT of 18,148 per an October 2011 MD SHA traffic study.

No noise impact study will be required for the proposed alignment of the future Roberts Tavern Drive at this time since this proposed roadway is not on the MD State Constrained Long Range Plan or on Montgomery County's Capital Improvements Program (CIP).

A Route 355 traffic noise impact study for Lots 87 to 99 was conducted on May 24-25, 2016 by Henning Associates, Inc. The Noise Guidelines stipulate a day-night average of 60 dBA  $L_{dn}$  maximum noise level for backyards and outdoor recreation areas and a day-night average of 45 dBA  $L_{dn}$  for indoor areas. If the exterior noise levels at the buildings exceeds 60 dBA  $L_{dn}$ , a noise reduction analysis of the proposed exterior building construction with noise control measures where required must be performed to show that the interior noise levels will not exceed 45 dBA  $L_{dn}$ .

The results of the analysis (Figure 2) for this Property indicate that the day-night average sound levels at the backyards of residences and on the Multi-Age Playground are projected to be no greater than the maximum permissible noise level of 60 dBA  $L_{dn}$ . Therefore, no mitigation is necessary for the backyards and outdoor recreation areas. The day-night average traffic noise levels for Lots 87 to 93 are projected not to be no greater than the 60 dBA  $L_{dn}$  maximum requiring no mitigation for these lots. However, future unmitigated day-night average traffic noise levels in the ranges of 63 to 66 dBA  $L_{dn}$  will impact the house faces on Lots 94 to 99.

The homes in this development have yet to be designed. After the houses have been designed for Lots 94 to 99 a noise reduction analysis of the exterior house construction will be performed, and if required, noise reduction measures will be developed to achieve interior noise levels that will not exceed 45 dBA  $L_{dn.}$ 



Figure 24: Projected Traffic Noise Levels

## **Conclusion**

## **Final Water Quality Plan**

The Final Water Quality Plan meets all applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas. Therefore, Staff recommends approval of the Final Water Quality Plan under Planning Board purview subject to the conditions in this staff report.

## **Final Forest Conservation Plan and Environmental Guidelines Requirements**

Staff finds that the proposed Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law and the Noise Guidelines. Therefore, Staff recommends approval of the Final Forest Conservation Plan subject to the conditions of this staff report.

#### **SECTION 7: CITIZEN COORESPONDENCE AND ISSUES**

### **CITIZEN CORRESPONDENCE AND ISSUES**

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. Three signs referencing the applications were posted along the Property frontage (two signs along the MD 355/Frederick Road frontage and one sign on the west side of the Property at the end of the Observation Drive right-of-way). A pre-submission meeting was held at the Recreation Center at the Clarksburg Neighborhood Park on November 2, 2015 2014 at 7:00 pm. Four people who were not part of the Applicant's team attended the meeting and according to the minutes of that meeting, questions were raised regarding the status of Roberts Tavern Drive, whether or not Observation Drive would be connected to Garnkirk Farms, the location of forest conservation areas/tree removal, number of units and housing mix, how the Property would be served by sewer service, access for construction vehicles, details on the pedestrian bridge connecting to Observation Drive, the direction house along MD 355 would face, and the amount of land disturbance and dirt removed from the site.

As of this writing, Staff has received no correspondence or comment on the Preliminary Plan or Site Plan.

#### **SECTION 8: CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations, the Zoning Ordinance, and substantially conforms to the recommendations of the 1994 Clarksburg Master Plan & Hyattstown Special Study Area. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

The Final Water Quality Plan meets all applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas. Staff finds that the proposed Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law and the Noise Guidelines.

Staff recommends approval of Preliminary Plan No. 120160160 and Site Plan No. 820160060 including a Final Water Quality Plan and a Final Forest Conservation Plan for the construction of 105 residential units including a minimum of 13.3 percent MPDUs with the conditions as enumerated in the Staff Report.

#### **APPENDIX**

- 1. Statement of Justification
  - a. Dowden's Station Overview
  - b. Building Height Waiver
- 2. Previous Approvals
  - a. Development Plan G-957 Opinions
  - b. Development Plan
- 3. Submitted Plans, Tables & Diagrams
  - a. Preliminary Plan
    - i. Overall Preliminary
    - ii. South Side, Preliminary Plan
    - iii. North Side, Preliminary Plan
    - iv. Road Cross Sections
  - b. Site Plan
  - c. WSSC Approved Plan
  - d. Sewer Alternatives Discussion
  - e. Fire & Rescue Approved Plan
- 4. Agency Approval Letters
  - a. SHA Approval
  - b. MCDOT Approvals
  - c. FWQP Approval
  - d. WSSC Approval
  - e. DOT Approvals (Traffic Impact Study Review)
  - f. Fire & Rescue Approval
  - g. DHCA Approval
- 5. Noise Study

# Appendix 1 – Statement Justification

## STATEMENT OF JUSTIFICATION

### "DOWDEN'S STATION"

The preliminary plan of subdivision application and the site plan review application of which this statement is a part are intended to implement the land use approvals granted by the County Council in recently approved Zoning Application No. G-957. This statement is intended to demonstrate how the preliminary plan application and the site plan application satisfy the requirements of the binding elements included in a companion development plan and the standards under which the requested PD-4 zoning was granted.

## 1. Subject Property

The property to be known as "Dowden's Station" is a 24.37 acres parcel of unimproved land which was recently rezoned from the R-200 zone to the PD-4 zone. The property is located on the west side of Frederick Avenue (Maryland Route 35) 1300 feet north of the intersection with Shawnee Lane and approximately the same distance south of Stringtown Road in Clarksburg, MD. The site is entirely located within the Clarksburg Special Protection area and is subject to the 1994 Clarksburg and the Hyattstown Special Study area plans.

## 2. <u>Proposed Development</u>

The Applicant is proposing a 105 unit residential development including 21 single family detached houses and 84 townhouses (with 14 moderately priced dwelling units MPDU's among the townhouses).

Compliance of submitted applications with binding elements and requirements of the rezoning

The proposal for "Dowden's Station" is in strict conformance with the Clarksburg Master Plan recommendation. In particular, the preliminary and the site plan applications incorporate the following features that satisfy the master plan's requirements:

- A. Density (at 4.32 dwelling units per acre) is consistent with the Plan's recommendations density at 2-4 dwelling units per acre.
- B. The development plan reflects construction of single family detached residences along the Route 355 frontage satisfying the Plan requirement that the development, when viewed from Frederick Avenue, has a "suburban" feel equivalent to other existing residential developments in the corridor.
- C. The plan provides for dedication and/or reservation of land area to accomplish all transportation network improvements presently contemplated in the Clarksburg Master Plan or that may possibly be selected by state and county transportation authorities at a later date.
- D. The development plan is rigorous in its attempts to minimize imperviousness within the boundaries of the property. The estimated imperviousness shown on the preliminary plan and site plans is consistent with the amount of imperviousness contemplated during the rezoning.

### 4. Conformance with technical issues

The rezoning application for the subject property (Application No. G-957) included a rigorous scrutiny of the technical items that will also be covered in the review of the preliminary plan and site plan application. In particular, issues such as stormwater

management, forest conservation, conformance with environmental guidelines and conformance with zoning ordinance requirements for the PD-4 zone were thoroughly reviewed and approved through the rezoning process. The subject preliminary plan of subdivision and site plan applications incorporate all of the information from those reviews and are in a form of readiness for review and approval due to the previous scrutiny devoted to them.

## 5. Issues to be addressed during Preliminary Plan and Site Plan Review

Preliminary plan review will again provide an opportunity to determine the ultimate alignment(s) of Frederick Avenue (Route 355) and Roberts Tavern Drive, the resolution of which will dictate the manner of access to the property.

During the zoning review, substantial effort was devoted toward the optimum manner of providing public sewer service to the property. Ultimately, a clever solution was devised by which public utilities service would be provided to the property via a pedestrian crossing that will extend over a stream valley using an elevated culvert. This solution creates very little disturbance to the stream, allows sewer to flow in a natural direction and creates a pedestrian connection from the core area of the development to a CCT transit station along Observation Drive.

## 6. Conclusion

The preliminary plan of subdivision and site plan application filed herewith will be in complete accordance with applicable rules and regulations and will be consistent with the binding elements and the standards for the approval of the rezoning of the subject property through Zoning Application No. G-957

## Macris, Hendricks and Glascock, P.A.

Engineers - Planners - Surveyors - Landscape Architects

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Appendix 1.b.

May 20, 2016

Mr. Casey Anderson, Chairman Montgomery County Planning Board Maryland-National Capital Park and Planning Commission 8787 Georgia Avenue Silver Spring, MD 20910

Re: Compatibility Waiver Request Preliminary Plan of

Subdivision No. 120160160 Site Plan No. 820160060 MHG Project No. 2012.185.11

### Dear Chairman Anderson:

On behalf of the applicant in the above referenced cases, Clarksburg Mews, LLC, we hereby request a waiver of subsection 59-C-7.15. (b) (2) in accordance with subsection 59-C-7.15. (d).

Section 59-C-7.15. of the 2004 Zoning Ordinance, subsection (b) states "In order to assist in the 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:

(2) No building can be constructed to a height greater than its distance for the adjoining land."

The subject property is in close proximity to the transit station development area near the intersection of Shawnee Lane and Observation Drive. As indicated on the pending Site Plan, three (3) dwellings do not meet the provisions of subsection 59-C-7.15. (b) (2), Lots 94, 104, and 105. However, these reduced setbacks are compatible with the existing or proposed development on the adjoining properties. The property adjoining lots 104 and 105 is severed from the developed portion of this property by the master plan alignment for Roberts Tavern Drive extended. The closest portion of property adjoining lot 94 is improved with a private roadway, Cool Brook Lane, which serves several dwellings. The requested waiver does not exceed 50 feet.

Mr. Casey Anderson, Chairman Subdivision No. 120160160 Site Plan No. 820160060 May 20, 2016 Page 2 of 2

Should you have any questions concerning this matter, please don't hesitate to give me a call.

Sincerely,

Stephen E. Crum

Stephen E. Crum, P.E.

# Appendix 2 – Previous Approvals

Appendix 2.a.

Resolution No.: 18-299

Introduced:

October 20, 2015

Adopted:

October 20, 2015

# COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN MONTGOMERY COUNTY, MARYLAND

By: District Council

**SUBJECT:** 

APPLICATION NO. G-957 FOR AMENDMENT TO THE ZONING ORDINANCE MAP, Jody S. Kline, Esquire, Attorney for Applicant, Clarksburg Mews, LLC; OPINION AND RESOLUTION ON APPLICATION; Tax Account Numbers 02-00016222 and 02-00016211.

## **OPINION**

Application No. G-957, filed on September 3, 2013, by Applicant, Clarksburg Mews, LLC, requests reclassification of a 24.37-acre parcel of unimproved land from the R-200 Zone to the PD-4 Zone. The Property was owned by Sang & B. N. Choi when the application was filed, but now is owned by the Applicant (Exhibits 47(a) and (b)). The site is known as Garnkirk Farms Parcel N780 (Part of Lot 21) and Parcel N888 (Lot 22), on tax map EW31, and it is located on the west side of Frederick Road (MD-355), 1,300 feet north of its intersection with Shawnee Lane and approximately the same distance south of Stringtown Road, in Clarksburg, Maryland.

The Applicant is proposing a 105-unit residential development (originally 140 units), including 21 detached single family houses and 84 townhouses (with 14 Moderately Priced Dwelling Units (MPDUs) among the townhouses). The project is to be known as Dowden's Station. The site is entirely within the Clarksburg Special Protection Area (SPA) and is subject to the 1994 Clarksburg Master Plan and Hyattstown Special Study Area. No commercial uses are proposed.

On June 26, 2015, Technical Staff of the Maryland-National Capital Park and Planning Commission (Technical Staff) issued a report (Exhibit 45) recommending approval. The Montgomery County Planning Board ("Planning Board") considered the application on July 9,

<sup>&</sup>lt;sup>1</sup> Technical Staff lists the date of filing as July 16, 2013. Though the application was lodged with the Office of Zoning and Administrative Hearings (OZAH) on that date, it was not accepted for filing until September 3, 2013, following supplementation of the application on August 30, 2013, with the then owner's statement of consent (Exhibit 22) and other necessary documents (Exhibits 23 and 24). Nevertheless, because the application was filed prior to May 1, 2014, it must be reviewed under the standards of the old Zoning Ordinance in effect on October 29, 2014, pursuant to §59-7.7.1.B.1. of the new Zoning Ordinance that went into effect on October 30, 2014.

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2015 and, by a vote of 5 to 0, also recommended approval, as stated in a memorandum dated July 14, 2015 (Exhibit 46). The Planning Board recommended changes to the proposed number of parking spaces, reducing them to 2.25 spaces per dwelling unit (*i.e.*, a maximum of 236 off-street spaces) to reduce the amount of impervious area. No opposition to this application has been filed.

The hearing proceeded as scheduled on July 17, 2015. Applicant called four witnesses, and no opposition witnesses appeared. The record was held open to allow time for the Applicant to file an amended Development Plan and for review of the changes by Technical Staff. The final revised Development Plan (Land Use Plan) was filed on September 1, 2015. Exhibit 65(a). On September 2, 2015, the Hearing Examiner issued an Order (Exhibit 66) reopening the record to receive the final Development Plan. Since no substantive changes were made in the final Development Plan, no comment period was needed, and the Order closed the record again on September 2, 2015.

The Hearing Examiner's Report and Recommendation was filed on September 29, 2015, and it is incorporated herein by reference. The Hearing Examiner recommended approval on grounds that the proposed development satisfies the intent, purpose and standards of the PD-4 Zone; that it meets the requirements set forth in Section 59-D-1.61 of the Zoning Ordinance; that the application proposes a project that would be compatible with development in the surrounding area; and that the requested reclassification to the PD-4 Zone has been shown to be in the public interest.

This case was complicated by the fact that the state and County have not yet determined the final road alignment along the eastern edge of the subject site and because the site is in a special protection area, with all the environmental concerns generated by that fact. However, after carefully reviewing the entire record, the District Council finds that the application does meet the standards required for approval of the requested rezoning for the reasons set forth by the Hearing Examiner.

## The Property, Surrounding Area and Zoning History

The subject property is adjacent to Frederick Road (MD-355), which is to its east, and approximately equidistant between Stringtown Road to the north and Shawnee Lane to south, in Clarksburg, Maryland. The site is also about 2,000 feet east of Interstate 270. As described by Technical Staff (Exhibit 45, p. 6), the property is irregularly shaped and consists of two undeveloped parcels, Part of Lot 21 (Parcel N780) and Lot 22 (Parcel N888), with a total gross area of 24.37 acres. 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, and the entire area is within the Clarksburg Special Protection Area (SPA). It is also adjacent to the proposed Corridor Cities Transitway (CCT) to its west, and a Master Plan proposed roadway realignment of MD 355 to its east.

The surrounding area must be identified in a floating zone case so that compatibility can be evaluated properly. The "surrounding area" is defined less rigidly in connection with a floating zone application than in evaluating a Euclidean zone application. In general, the definition of the surrounding area takes into account those areas that would be most directly affected by the

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proposed development. In the present case, the surrounding area is bounded on the north by Stringtown Road; on the east by Seneca Creek; on the west by I-270; and on the south by Shawnee Lane and Foreman Boulevard (Exhibit 45, pp. 6-7).

Technical Staff describes the surrounding area as follows (Exhibit 45, pp. 6-7):

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.

The zoning in the surrounding area is R-200, TDR 7.0 and R-200 to the north; R-200 to the east; R-200 and PD-11 to the south; PD-11 (10.5 DU/acre) to the west (Garnkirk Farms Development); and further west, EOF.075 H100T in the Gateway 270 Industrial Park, which used to be zoned I-3 (Exhibit 40(j) and Tr. 92-94).

As noted by the Hearing Examiner, the subject site is adjacent to both R-200 development and the significant townhouse development of Garnkirk Farms, which will dominate the area to the southwest of the subject site.

Technical Staff gave the following zoning history for the subject site (Exhibit 45, p. 7):

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.

The site's zoning was not changed by the District-wide rezoning on October 30, 2014, which resulted from the District Map Amendment G-956 (adopted July 15, 2014), as modified by Sectional Map Amendment G-965 and Corrective Map Amendments G-967 through G-973.

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## **Proposed Development**

The Applicant is proposing a 105-unit residential development (originally 140 units), including 84 townhouses and 21 detached single-family houses to be known as Dowden's Station. The development will include 14 Moderately Priced Dwelling Units (MPDUs). One of the unusual features of this application is that its final contours will have to await the determination by the state of the alignment of Frederick Road (MD 355) and Roberts Tavern Drive, on the eastern edge of the site. Another important factor is that the site is in a special protection area, with all its accompanying environmental concerns, including protection of the streams running through the western portion of the site. As will be discussed below, the Applicant has proposed solutions to both problems, including a flexible access plan to the east and a dual purpose, elevated culvert to the west, which will carry both pedestrians and a buried sewer line over the streambed. Applicant's vision for the development is stated in its Pre-hearing Statement (Exhibit 40(a), pp. 1-3):

... The Applicant is requesting the Planned Development zone to accomplish a coordinated planned development at this location that will provide a mix of housing types for the community, including up to 21 single-family detached homes and up to 84 townhomes (105 total units), with 14 MPDUs integrated throughout the project. The Petitioner is providing 13.3 percent moderately priced dwelling units (MPDUs), above the typical 12.5 percent requirement, to add to the stock of affordable housing in upper Montgomery County.

. . . The Applicant has also proposed a reservation of land intended to address the variable, and as yet undetermined, alignment of future roadways in the transportation network surrounding the subject property, specifically the ultimate alignment of Frederick Road/Robert Tavern Drive.

Once the ultimate alignment of Frederick Road/Roberts Tavern Drive has been determined, a dedication of right-of-way to accommodate the desired alignment will take place and any residual property within the area of reservation will be released to the Applicant for future development. The ultimate development of this residual area, and the number of dwellings provided will be determined by whatever future alignment of Frederick Road is selected by public officials in the future, and will require a revision to the Development Plan.

The Petitioner has designed a site layout that provides single-family detached homes along Frederick Road to continue the existing suburban pattern of detached housing along Maryland Route 355 in this area of the County. Townhomes are provided within the interior of the site, with generous open spaces, recreation areas, and natural surface trails and forests integrated throughout the site, providing amenity spaces and opportunities for residents and pedestrians to enjoy the natural state of the land. The project incorporates a substantial 100-foot setback from any townhouse or attached unit provided on the site to the nearest property line. Additionally, the Petitioner has provided a generous set back that exceeds 300 feet from the future alignment of Observation Drive (as well as a 1.71-acre right-

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of-way dedication for Observation Drive and an area of reservation for the future alignment of Frederick Road).

The project will provide a network of sidewalks, bike paths, and pedestrian trails that will serve to increase pedestrian connectivity in Clarksburg. In fact, capitalizing on the tract's close proximity to the future Shawnee Lane Transit Station, (CCT station) the proposal will provide a pedestrian connection that runs throughout the site, along the future alignment of Observation Drive, and to the CCT station to encourage residents to utilize public transportation.

The proposed layout guides development and infrastructure away from environmentally sensitive resources on the property and provides a variety of unit types that provide differing housing opportunities for Clarksburg. A significant portion of the property will be preserved as green space. The proposal balances the Master Plan's recommendations for future density of development on the property with the existing suburban pattern of the area and with the desire to create increased density near a planned Corridors City CC station.

Applicant's vision for the site layout is best seen on the final version of its Development Plan (Land Use Plan), Exhibit 65(a), which is discussed below.

## **Development Plan & Binding Elements**

Pursuant to Code § 59-D-1.11, development under the PD-4 Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the PD-4 Zone. Under Code §59-D-1.3, this development plan must contain several elements, including a land use plan. The Development Plan in this case fulfills these requirements. 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 final Land Use Plan for the present zoning application is contained in Exhibits 65(a). Although land use plans are technically only a part of the overall development plan, they are usually referred to as the "development plan," and may be so referenced herein. It contains a site layout, a listing of all the binding and non-binding elements and other notations.

The final Development Plan shows the proposed locations of all structures, roadways, open spaces and dedicated areas, as well as additional information regarding the planned development. However, as noted on the Development Plan, the specific property lines, the building locations, the types and footprints of buildings, the proposed concrete abutment depicted in the upper left corner of the development plan and the roadway alignments (depicted on eastern edge of the site) are illustrative and will be refined and finalized during subsequent proceedings (*i.e.*, subdivision, site plan and state proceedings to determine final road alignments).

The Development Plan specifies that Applicant will dedicate 75,795 square feet (*i.e.*, 1.74 acres) to the Observation Drive roadway on the western side of the subject site because that right-of-way alignment has been established and platted in accordance with the Master Plan. Tr. 33-36. However, on the eastern edge of the site, the Development Plan provides that 2.59 acres will be placed "in reservation" pursuant to the subdivision regulations (Code Sections 50-31, *et seq.*) which allow a reservation of land for public use. The Applicant specifies that the dedication of the right-of-way on the eastern edge of the property will take place upon the determination, by the responsible agencies, of the ultimate right-of-way in relation to the property. Technical Staff indicated in its report that it would prefer a dedication commitment on the entire site, but agreed that, "The issue of reservation or dedication will be further analyzed and determined at the Preliminary Plan review stage." Exhibit 45, p. 8. Staff also observed that, "The determination of the ultimate row [*i.e.*, right-of-way] design could trigger a Development Plan Amendment." Exhibit 45, p. 1.

The Applicant also notes that its 30% target for impervious area is not a binding element, and the plan can be amended to allow additional units and uses in the reservation area once the final road alignment on the eastern edge of the site is determined. Substantive elements of the plan that are not designated as illustrative cannot be changed without Council approval. Applicant has specified that it will provide a minimum of 42% green area and 257 parking spaces. By agreement with the Planning Board, off-street parking spaces will be limited to 2.25 spaces per dwelling unit in order to reduce imperviousness. Assuming 105 units are built, as planned, that would result in a total of 236 off-street parking spaces. The remaining 21 spaces would be on the streets.

The base density allowed for a site of this size in the PD-4 Zone is four Dwelling Units per acre. Multiplying that by 24.37 acres yields a maximum base density of 97.48 Dwelling Units. However, the Applicant is entitled to a Bonus Density of 8% because it will provide 14 MPDUs (i.e., 13.33% of the 105 planned dwelling units). Montgomery County Code §25A-5(c). Adding 8% to the standard density in the PD-4 Zone of 4 units per acre, allows the addition of .32 additional units per acre, for a total density of up to 4.32 units per acre. Applying that density to the 24.37 acre property (4.32 X 24.37) allows up to 105.28 units. As noted, Applicant proposes 105 dwelling units (i.e., within the density permitted).

The District Council agrees with Technical Staff's conclusion regarding the proposed Development Plan (Exhibit 45, p. 9):

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).

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## **Required Findings**

Zoning involves two basic types of classifications, Euclidean zones and Floating zones. The term "Euclidean" zoning arose from the seminal United States Supreme Court case upholding the land use authority of local governments, *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926). Euclidean zoning divides the territory of a local jurisdiction into zoning districts with set boundaries and specific regulations governing aspects of land development, such as permitted uses, lot sizes, setbacks, and building height.

A Floating zone is a more flexible device that allows a legislative body to establish a district for a particular category of land use, with regulations specific to that use, without attaching that district to particular pieces of property. Individual property owners may seek to have property reclassified to a Floating zone by demonstrating to the Council that the proposed development will meet the standards set forth in the Zoning Ordinance and that it will be consistent with a coordinated and systematic development of the regional district, as required by the Maryland Land Use Article, Code Ann. (2012), § 21-101(a)(4)(i). The subject application was filed prior to May 1, 2014. Under Section 59-7.7.1.B.1. of the Zoning Ordinance that went into effect on October 30, 2014, rezoning applications filed prior to May 1, 2014, must be reviewed under the standards of the Zoning Ordinance in effect on October 29, 2014 (i.e., under the old Zoning Ordinance).

Montgomery County has many Floating zones, including the PD Zones. The PD-4 Zone contains development standards and a post-zoning review process that generally delegate to the Planning Board the details of site specific issues such as building location, stormwater control, vehicular and pedestrian routes, landscaping and screening. The Council has a broader and more discretionary role in determining whether to approve a rezoning.

Section 59-D-1.61 of the Zoning Ordinance requires the District Council, before it approves any application for re-zoning to the PD-4 Zone, to consider whether the application, including the development plan, fulfils the "purposes and requirements" set forth in Code Section 59-C for the new zone. In making this determination, Zoning Ordinance §59-D-1.61 expressly requires the District Council to make five specific findings, and Maryland law requires that zoning power be exercised in the public interest.

## §59-D-1.61(a): Consistency with Master Plan and other County Policies.

The first required finding is consistency with the use and density requirements of the Master Plan and with other County plans and policies.

The subject property is located in the Transit Corridor District of the 1994 Clarksburg Master Plan and Hyattstown Special Study Area. The Land Use Plan for the Transit Corridor District is depicted in Figure 22, on Plan p. 55. It recommends the site for development at two to four dwelling units per acre.

As noted by the Hearing Examiner, the Master Plan impacts this proposal in six major ways:

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- a. It limits the density of development to the recommended 2 to 4 dwelling units per acre (Plan p. 55), plus allowance for MPDUs (Technical Appendix to the Plan, pp. 9-10);
- b. It calls for additional housing in the Transit Corridor District (Plan pp. 54-56);
- c. It proposes specific road alignments on the eastern and western edges of the site (Plan p. 57);
- d. It endorses strong environmental controls in the area (Plan pp. 137-154);
- e. It affects the arrangement of the types of dwelling units on the site by calling for maintenance of the residential character along MD 355 (Plan pp. 56-57); and
- f. It advocates strong pedestrian and bicycle linkages (Plan p. 57).

The Clarksburg Master Plan recommendations are well described in the Technical Staff Report (Exhibit 45, pp 14-15):<sup>2</sup>

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 transitway 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 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

<sup>&</sup>lt;sup>2</sup> Some paragraphs in the quoted text have been rearranged for clarity.

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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. . . .

Technical Staff found that the Development Plan proposed by the Applicant conforms to the recommendations of the Master Plan (Exhibit 45, pp. 14-16):

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.

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. . . .

It should be noted that the Applicant's original proposal sought to rezone the property to the PD-5 Zone (Exhibit 2), but the proposed Zone category was reduced to PD-4, in accordance with the density recommendation of the Master Plan. The Planning Board, like its Technical Staff, found the proposed development to be in in substantial compliance with the Master Plan. Exhibit 46.

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Based on the evaluation of the Technical Staff, the Planning Board, and the Hearing Examiner, and on the unrebutted evidence that the proposed development is consistent with the recommendations, guidelines and goals of the Clarksburg Master Plan, the District Council finds that Applicant's Development Plan meets the specified objectives and is in substantial compliance with the Master Plan's use and density recommendations, as "Finding (a)" requires.

Other significant County policies include Subdivision Staging Policy and the Adequate Public Facilities Ordinance. Under the County's Adequate Public Facilities Ordinance ("APFO," Code §50-35(k)), the Planning Board has the responsibility, when it reviews a preliminary plan of subdivision, to assess whether the following public facilities will be adequate to support a proposed development: transportation, schools, water and sewage facilities, and police, fire and health services. The Planning Board's application of the APFO is limited by parameters that the County Council sets in its Subdivision Staging Policy.<sup>3</sup> While the ultimate test under the APFO is carried out at subdivision review, evidence concerning adequacy of public facilities is relevant to the District Council's determination in a rezoning case, as spelled out in Zoning Ordinance §59-H-2.4(f).

Section 59-H-2.4(f) requires Applicant to produce "[s]ufficient information to demonstrate a reasonable probability that available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application is submitted." In this case, the application was filed on September 3, 2013, so the 2012-2016 Subdivision Staging Policy, adopted November 13, 2012, in Resolution 17-601, will apply to the rezoning determination.

The 2012-2016 Subdivision Staging Policy provides, at p. 21, "The Planning Board and staff must consider the programmed services to be adequate for facilities such as police stations, firehouses, and health clinics unless there is evidence that a local area problem will be generated." There is no such evidence in this case. The remaining three public facilities – transportation, schools and water and sewer service – were discussed at length in Part III.D.3 of the Hearing Examiner's report, and that discussion is summarized below.

## 1. Transportation:

## a. Roadway Alignments:

The development plan provides that 2.59 acres will be placed "in reservation" pursuant to the subdivision regulations (Code Section 50-31, et seq.), which allow a three-year reservation of land for public use. This need for a reservation area derives from the undecided road alignment on the eastern edge of the site (as distinguished from the western edge, where 1.74 acres will be dedicated along Observation Drive). The Master Plan proposed an alignment on the eastern edge of the site, with a sweeping curve through the subject property running north and re-associating with MD 355 north of the historic district. Developments after 1994 have changed the likely road alignment. What is different today is that there is a new road called Roberts Tavern Drive, which

<sup>&</sup>lt;sup>3</sup> In 2010, the County Council changed the name of the Growth Policy to the Subdivision Staging Policy, but both Zoning Ordinance §59-H-2.4(f) and APFO Code §50-35(k)) still refer to the Council's Growth Policy. The 2012-2016 Subdivision Staging Policy was adopted by the Council on November 13, 2012, in Resolution 17-601.

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projects the right-of-way through the property, stopping at Observation Drive in a T intersection. Unlike the Robert's Tavern alignment, the Master Plan alignment would continue the road to the north and not end in the T intersection at Observation Drive. Tr. 37-39. The Applicant has designed a Development Plan that takes account of all the possible alignments, with an "interim access" from the site to MD 355, which would be called Dowdens Station Way. That interim access would be removed if a road alignment eventually connects MD 355 to Roberts Tavern Drive, leaving only a stub of Dowdens Station Way internal to the site to service a couple of lots. If the realignment takes place, the connection to the new road from the subject site will be the road labelled "Future Connection" on the Development Plan, which is to the north, on the McCord property. Tr. 45-49. The District Council finds that the reservation proposed is an appropriate vehicle for dealing the road alignment uncertainty at the zoning stage. The Planning Board can determine, at subdivision, how dedication of land on both sides of the site should be handled.

## b. New Traffic Burden (LATR and TPAR):

The amount of new traffic that would be generated by the proposed use was evaluated both by Applicant's transportation planner, Carl Wilson, and by Technical Staff. Mr. Wilson's traffic study (Exhibit 24) was completed on July 26, 2013, assuming that the project would have 140 dwelling units (14 detached homes and 126 townhomes), as sought in the original application. The present application is for only 105 dwelling units (21 detached homes and 84 townhomes), and will therefore generate less traffic.

Mr. Wilson testified that he prepared his traffic impact study for the proposed re-zoning in accordance with the Planning Board's Local Area Transportation Review (LATR) guidelines. He noted that the main purpose of the LATR is to study the offsite intersections and the site access point at Maryland 355, looking at the critical lane volumes (CLV) to determine that those are adequate. With respect to LATR, he considered a single point of access for this property along Maryland 355. Using the Montgomery County rates, he projected that the site would produce 75 total trips in the morning and 111 trips in the evening, assuming a development of 140 dwelling units. Using those higher projections, he calculated that the access point would operate at an adequate level of service under the congestion standard for the policy area, which is a CLV of 1425. Thus, at the proposed access point, he found a CLV in the morning of 763, and in the afternoon of 877, during the peak hour of the peak period. A recalculation based on the reduced number of dwelling units would reduce those projections, as well. Mr. Wilson testified that all of the intersections studied met the 1425 CLV standard. As this application proceeds through preliminary plan, Applicant will have to update the LATR to obtain more current counts. Tr. 153-156.

Technical Staff calculated that the original unit mix would generate approximately 12 percent more peak-hour trips than the current unit mix and that the calculated CLV values would not exceed the CLV standard of 1,425 for the Clarksburg Policy Area. Staff provided the following chart of expected CLV levels for the site access to MD 355 (Frederick Road) and for the intersection of MD 355 and Stringtown Road and the intersection of MD 355 and Foreman Boulevard (Exhibit 45, pp. 16-17):

Table A - Critical Lane Volumes A

| Studied Intersection                  | Traffic Condition |       |            |       |       |       |  |
|---------------------------------------|-------------------|-------|------------|-------|-------|-------|--|
|                                       | Existing          |       | Background |       | Total |       |  |
|                                       | AM                | PM    | AM         | PM    | AM    | PM    |  |
| Frederick Road & Stringtown<br>Road   | 952               | 1,075 | 1,104      | 1,307 | 1,156 | 1,343 |  |
| Frederick Road & Foreman<br>Boulevard | 974               | 998   | 1,065      | 1,143 | 1.072 | 1,152 |  |
| Frederick Road & Site Access          |                   |       |            |       | 763   | 877   |  |

Technical Staff concluded from these results that the LATR test will be satisfied. Thus, both Technical Staff and Mr. Wilson agree that the total critical lane volumes (CLV) will not exceed the CLV standard of 1,425 for the Clarksburg Policy Area at any of the studied intersections. The District Council therefore finds that LATR standards will be satisfied.

As to Transportation Policy Area Review (TPAR), Technical Staff observed that, "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." Exhibit 45, p. 18.

The District Council agrees with Staff that the adequacy of the roadway and transit will be reanalyzed at the Preliminary Plan review. The timing and amount of the TPAR payment will be determined at that time in accordance with the Montgomery County Code. Based on this record, the District Council finds that it is reasonably probable that transportation facilities and services will be adequate to serve the proposed development.

## 2. Impacts on School Capacity

The Property is located within the Clarksburg School Cluster, which includes Clarksburg Elementary School, Rocky Hill Middle School, and Clarksburg High School. According to a communication from Zachary Larnard, MCPS Division of Long Range Planning, (Exhibit 45, Attachment C, 2nd Document), "All three schools are projected to exceed capacity within the six year CIP." Mr. Larnard further described the school capacity situation:

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.

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According to Mr. Larnard's estimate, "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." He concluded that the Applicant will have to pay a school facility payment for the elementary and high school levels:

The FY2015 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.

Technical Staff noted that such a payment would be required in connection with subdivision, not at the rezoning stage (Exhibit 45, p. 19). As pointed out by Applicant's land planner, the fact that the elementary and high school are below the 120 percent of capacity means that growth is not in a moratorium, but rather the Applicant would have to pay a school facilities payment. Tr. 101-104.

Given these facts, the District Council finds that it is reasonably probable that public school facilities and services will be adequate to serve the proposed development.

## 3. Water and Sewer Service

The water and sewer categories are W-1 and S-3. Stephen Crum, Applicant's civil engineer, testified that there is adequate sewer and water service available for the property. There is an existing water line in Maryland 355. Applicant is proposing to make a connection to that line, and it will loop through the project. Applicant will make a water line connection to Observation Drive as well, so the property will be served from two directions with public water. Applicant will extend the sanitary sewer from Observation Drive via the pedestrian crossing that Applicant is proposing. This connection will be within an elevated culvert depicted on the Development Plan (Exhibit 65(a)). The Washington Suburban Sanitary Commission (WSSC) has reviewed this proposal and didn't have any objections to the preliminary plans (Exhibit 45, Attachment C, 3<sup>rd</sup> Document). Mr. Crum's plan would also provide a very direct pedestrian connection to the west of the site, with very little impact to the stream. Tr. 143-149. Technical Staff confirmed the fact that, although the site does not presently have water and sewer service, it is available to the site (Exhibit 45, p. 20).

Given Mr. Crum's testimony, WSSC's memorandum and Technical Staff's conclusion, the District Council finds that Applicant has demonstrated a reasonable probability that available water and sewer facilities and services will be adequate to serve the proposed development under the applicable standards. Moreover, Technical Staff reports that "[t]he proposed development will not conflict with the County's Capital Improvements Program (CIP) or other applicable county plans and policies." Exhibit 45, p. 23. Because there is no contrary evidence in the record, the District Council so finds.

§59-D-1.61(b): purposes, standards and regulations of the zone; safety, convenience and amenity of residents; and compatibility with adjacent development.

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# The second required finding is:

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.

# 1. Compliance with the Purposes, Standards and Regulations of the Zone

The requirements for the PD-4 Zone are found in Code §59-C-7.1. The PD-4 Zone is a "floating zone," which is a flexible device that allows a legislative body to establish a district for a particular type of use, with land use regulations specific to that use, without attaching that district to particular pieces of property. Individual property owners may seek to have property reclassified to a floating zone by demonstrating that the proposed location is appropriate for the zone, *i.e.*, it satisfies the purpose and regulations of the zone, the development would be compatible with the surrounding area, and it would serve the public interest.

PD (Planned Development) zones are a special variety of floating zone with performance specifications integrated into the requirements of the zone. These zones allow considerable design flexibility if the performance specifications are satisfied. The applicant is not bound to rigid design specifications, but may propose site-specific criteria, within the parameters established for the zone, for elements such as setbacks, building heights and types of buildings.

# Section 59-C-7.11, Purpose Clause

The PD Zones have a lengthy purpose clause, Zoning Ordinance §59-C-7.11, which is linked to the goals of the applicable master plan. As discussed above, the proposed development will be in substantial compliance with the 1994 Clarksburg Master Plan. Moreover, as noted by Technical Staff (Exhibit 45, p. 24), the proposed development "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." Accordingly, the requested reclassification will comply with the first element of the purpose clause by allowing implementation of applicable Master Plan objectives and by flexibly designing and integrating compatible uses to achieve greater efficiency, convenience and amenity than under conventional zoning categories.

The second paragraph of the purpose clause calls for a design which will facilitate social and community interaction, create a distinctive visual character, and offer a balanced mix of uses. As observed by Technical Staff (Exhibit 45, p. 25),

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.

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There will be no commercial uses on site because the Master Plan does not envision any on this site, but there will be a mix of residential and recreational uses. The pedestrian connection to Observation Drive and the pedestrian system within the community provide excellent connectivity between the subject property and the Garnkirk Farms community planned and under construction to the southwest in the PD 11 Zone. They will also give excellent pedestrian access to the future CCT station which will be located just north of Shawnee Lane and just east of Observation Drive. Tr. 90-92. Thus, the District Council finds that the second paragraph of the purpose clause has been satisfied.

The third paragraph of the purpose clause encourages "a broad range of housing types." The proposed development will provide for a range of different sized single-family detached homes, and townhouse units on differing sized lots. Over thirteen percent of these units will be MPDUs and 67 percent will be market-rate units. It will thus provide a broad range of housing choices. The District Council agrees with Technical Staff's conclusion that "[g]iven 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." Exhibit 45, p. 26.

The fourth and fifth paragraphs seek to preserve and take aesthetic advantage of trees, minimize grading and provide open space. Technical Staff addressed these issues as follows (Exhibit 45, p. 26):

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.

The issues of minimizing grading, preserving the environment and the aesthetics of Applicant's proposal were discussed at length in Part III.D.4. of the Hearing Examiner's report. As stated there, the Applicant has demonstrated sensitivity to environmental concerns, as recommended by the Master Plan, and has produced a Preliminary Forest Conservation Plan, a Water Quality Plan, a grading plan, a soil erosion and sediment control plan, a plan for limiting imperviousness and a plan for protecting the stream valley buffer, all of which are sufficient at the rezoning stage. Based on this evaluation and Technical Staff commentary on open space, the District Council concludes that the fourth and fifth paragraphs of the purpose clause have been satisfied.

The sixth paragraph calls for pedestrian circulation networks to minimize reliance upon automobiles. The development plan here provides for a network of pedestrian paths and connectivity to transit and other developments which will clearly reduce reliance upon automobiles, thus satisfying the sixth paragraph of the purpose clause.

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The seventh paragraph of the purpose clause encourages, but does not require, "large scale" developments. As observed by Technical Staff (Exhibit 45, pp. 26-27), the proposed development would create a 105-unit community on 24.37 acres, with an appropriate mix of townhouses and single-family detached homes. The District Council agrees with Staff's conclusion that the scale of the proposed development is large enough to provide forested areas, open spaces and play areas, and thus "realizes the purpose of the zone . . ."

The eighth paragraph of the purpose clause calls for a development which provides for safety, convenience, amenity, and compatibility, and the ninth paragraph reiterates the need for a development that will be proper for the comprehensive and systematic development of the County, and consistent with the Master Plan and the Zone. Safety was discussed in connection with transportation facilities in Part III.D.3.a. of the Hearing Examiner's report, and as noted there, the proposed access ways and internal circulation systems will be adequate and safe. Convenience and amenities include the pedestrian networks and park areas which were discussed above in this Opinion.

As to compatibility, all the evidence supports the proposition that the proposed development will fit well with its surroundings. Applicant's land planner, David Ager, testified that the proposal will be compatible with the surrounding development not only from the general density standpoint, but also in the way it transitions the densities of planned development on the site. Specifically, the Applicant will place the single-family units to the east of the property where they will confront single-family units in the R-200 Zone along Frederick Road (MD 355), and the denser dwelling units (*i.e.*, townhouses) will be placed towards the center and west side of the property, closer to the Garnkirk Farms property, the PD-11 property and the future CCT alignment which runs down Observation Drive. Thus, the design of the development plan will result in a project that is compatible with the surrounding neighborhood. Tr. 95.

Technical Staff agrees (Exhibit 45, p. 27):

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... 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.

The Planning Board and the Hearing Examiner also adopted Technical Staff's analysis regarding compatibility, and there is no evidence to the contrary in this record. The District Council therefore finds that the proposed development will be compatible with existing and planned surrounding development.

In sum, the proposed development is consistent with the intent and purposes of the PD-4 Zone.

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We next look to the "standards and regulations" of the PD-4 Zone, which are spelled out in Code Sections 59-C-7.12 through 7.18.

#### Section 59-C-7.121, Master Plan

Pursuant to Code §59-C-7.121, "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 1994 Clarksburg Master Plan recommends that the subject property be developed at a density of two to four dwelling units per acre (Figure 22, on Plan p. 55). That meets the minimum density specified in this section, and the proposed development, at four dwelling units per acre (plus a density bonus for MPDUs), conforms to the Master Plan's density recommendation. Accordingly, this provision is satisfied.

#### Section 59-C-7.122, Minimum Area

Code §59-C-7.122 specifies several criteria, any one of which may be satisfied to qualify land for reclassification to the PD Zone. Alternative criterion (a) requires that the site "contain sufficient gross area to construct 50 or more dwelling units under the density category to be granted." The subject property contains 24.37 acres, more than large enough to construct 50 dwelling units at the density proposed, and in fact 105 dwelling units are planned.

# Section 59-C-7.13 and 7.131, Residential Uses Permitted

Pursuant to Code §59-C-7.131, single-family attached units (including townhouses) and detached units are permitted in the PD-4 Zone, as well as multiple-family units of 4 stories or less, but the section also specifies that if the minimum percentage would yield a total of 150 multifamily dwelling units or less, this requirement does not apply, and no such multi-family units are required. In a PD-4 development of less than 200 units, a minimum of 10% of the units must be detached and a minimum of 40% must be attached or townhouse. Here, the proposed Development Plan provides for 20% single-family detached units (21 units) and 80% single-family townhouse and/or attached units (84 units), satisfying the statutory requirement.

#### Section 59-C-7.132, Commercial Uses

There are no commercial uses proposed here. Commercial uses, with specified maximums, are permitted but not required in the PD Zones at the discretion of the District Council upon a finding that they are compatible with the development and are necessary for the service of the residents of the proposed development and adjacent residential developments. In this case, as stated by Technical Staff (Exhibit 45, p. 29), "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."

#### Section 59-C-7.133, Other Uses Permitted

Under subsection (a) of this provision of the PD Zone, recreational facilities for the exclusive use of the residents and their guests are permitted. The proposed facilities are compliant.

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# Section 59-C-7.14, Density of Residential Development

Three subsections - (a), (b) and (c) - apply to this case. Subsection (a) sets forth the available density categories for residential development in a PD Zone and the permitted densities. In this case, the density category specified in the development plan is PD-4, and the density of the development will be the permitted 4 dwelling units per acre, plus a density bonus for MPDUs.

Subsection (b) requires the District Council to determine the propriety of the density category applied for, and Subsection (c) allows the maximum density allowed under subsection (a) to be increased to accommodate the construction of Moderately Priced Dwelling units.

The density category applied for, PD-4, is consistent with the density recommendations of the 1994 Clarksburg Master Plan. The base density allowed for a site of this size in the PD-4 Zone is four Dwelling Units per acre. Multiplying that by 24.37 acres yields a maximum base density of 97.48 Dwelling Units. However, the Applicant is entitled to a Bonus Density of 8% because it will provide 14 MPDUs (i.e., 13.33% of the 105 planned dwelling units). Montgomery County Code §25A-5(c). Adding 8% to the standard density in the PD-4 Zone of 4 units per acre, allows the addition of .32 additional units per acre, for a total density of up to 4.32 units per acre. Applying that density to the 24.37 acre property (4.32 X 24.37) allows up to 105.28 units. As noted, Applicant proposes 105 dwelling units (i.e., within the density permitted). The District Council therefore finds that the proposed development is compliant with these provisions.

# Section 59-C-7.15, Compatibility

Section 59-C-7.15 requires a finding of compatibility and specifies that only single-family detached homes may be constructed within 100 feet of any adjoining single-family detached zone. It also prohibits buildings constructed to a height greater than its distance from the adjoining land.

As previously discussed, Technical Staff, the Planning Board and the Hearing Examiner found that the proposed development will be compatible with surrounding development. Moreover, as noted by Technical Staff (Exhibit 45, p. 32),

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.

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There will be no buildings other than single-family detached homes within 100 feet of the adjoining single-family detached developments, and no buildings are proposed to a height greater than its distance from such adjoining land. Thus, the District Council finds that all the setbacks proposed for this development are compatible with adjacent development.

#### Section 59-C-7.16, Green Area

This section of the Ordinance requires 40% green space for the PD-4 Zone, and the Development Plan satisfies that requirement with a proposal for 42% green space. Exhibit 65(a).

# Section 59-C-7.17, Dedication of Land for Public Use

This section requires that land necessary for public streets, parks, schools and other public uses must be dedicated in accordance with regulations and the Master Plan, with such dedications shown on all required development plans and site plans. The development plan in this case (Exhibit 65(a)) depicts 1.74 acres of land dedicated to the Observation Drive right-of way on the western side of the site. As has been previously mentioned, due to the uncertainty of the road alignment on the eastern side of the site, 2.59 acres of land would be placed "in reservation," and that land, or a portion of it, may be dedicated to the right-of-way at subdivision or when the road alignment is determined. As stated by Technical Staff, "The Application satisfies all public use dedication requirements." Exhibit 45, p. 33. Since there is no evidence to the contrary, the District Council so finds.

# Section 59-C-7.18, Parking Facilities

This section requires that off-street parking be provided in accordance with Zoning Ordinance Article 59-E. Under §59-E-3.7, two parking spaces are required for each single-family dwelling unit. There will be a maximum of 105 single-family dwelling units, and therefore at least 210 parking spaces off of the public streets must be provided. As shown on the Development Plan, Applicant's plan is to provide a total of 257 parking spaces on the site, but in order to satisfy the Planning Board's concern as to imperviousness, off-street parking will be limited to 2.25 spaces per dwelling unit. Exhibit 65(a). Multiplying 2.25 X 105 dwelling units yields a maximum number of off-street parking spaces of 236. Thus, the District Council finds that the Development Plan meets the minimum parking requirements of Sections 59-C-7.18 and 59-E-3.7, while also meeting the maximum set by the Planning Board.

In sum, the District Council concludes that the proposed rezoning and the Development Plan will be consistent with the purpose clause and all applicable standards for the PD-4 Zone.

#### 2. Safety, Convenience and Amenity of Residents

The next part of "Finding (b)" required by Section 59-D-1.61 is a determination that the proposed development would provide the "maximum safety, convenience, and amenity of the residents." Since this required finding is practically identical with one of the purpose clause requirements for the PD-4 Zone, it has been discussed in that context above. The District Council

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finds that Applicant has provided the maximum in safety, convenience and amenities for the future residents of this development.

# 3. Compatibility with Adjacent Development

The final required determination under "Finding (b)" is that the proposed development be compatible with adjacent development. For the reasons discussed above in connection with the Purpose Clause of the PD-4 Zone, the District Council concludes that the proposed residential dwelling units will be compatible with other uses existing or proposed in the vicinity of the planned development.

# §59-D-1.61(c): safe, adequate and efficient internal vehicular and pedestrian circulation systems.

The third required finding is "[t]hat the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient." The Applicant first addressed the external access issue -i.e., whether vehicles entering and exiting the subject site will have sufficient time to do so safely, given the proposed access to MD 355. To evaluate this issue, Technical Staff asked Applicant's transportation planner, Carl Wilson, to prepare "a gap study," which Mr. Wilson did. Exhibit 60(c).

Mr. Wilson testified that in order to do a gap study, tubes are put out on the road to measure the amount of space that occurs in between vehicles, in effect measuring the time between vehicles passing the site access point. According to Mr. Wilson, there needs to be a gap for the left turn of seven-and-a-half seconds and for the right turn of six-and-a-half seconds. Mr. Wilson indicated that this site itself would not generate enough traffic to warrant a traffic signal; however, he concluded that the gap study showed that there are adequate gaps in both traffic streams, northbound and southbound, for traffic to exit the site and to enter the site during the peak hours. Tr. 157-161.

Technical Staff agreed, stating (Exhibit 45, pp. 17-18):

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.

After an exchange of correspondence among the State Highway Administration (SHA), Technical Staff and the Applicant's transportation planner (Exhibits 60(d) and (e)), SHA also accepted the result of the gap analysis, stating in a letter dated January 20, 2015, "The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses." Exhibit 60(i).

Based on the undisputed evidence, and the evaluation of Technical Staff, SHA and Applicant's transportation planner, the District Council finds that vehicles entering and exiting the subject site will have sufficient time to do so safely with the proposed access to MD 355.

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Finally, Mr. Wilson testified that, in his opinion, the proposed vehicular and pedestrian circulation system within the subject site, as well as the points of external access for the proposed development, are safe, adequate and efficient. According to Mr. Wilson, this proposal is similar to a typical layout for a residential subdivision, and there are adequate intersections for the vehicles to enter and exit within the subdivision streets and onto Maryland 355. Tr. 161-163.

Technical Staff agreed (Exhibit 45, p. 34):

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.

In sum, given the record in this case, the District Council finds that the proposed internal vehicular and pedestrian circulation systems and points of external access will be safe, adequate, and efficient.

§59-D-1.61(d): preventing erosion, preserving vegetation, forest conservation and water resources.

The fourth required finding is:

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.

The issues of minimizing grading, preserving the environment, and compliance with forest conservation law and water resource protection regulations were discussed at length in Part III.D.4. of the Hearing Examiner's report. As stated there, both Technical Staff and the Hearing Examiner found that the Applicant has demonstrated sensitivity to environmental concerns, as recommended by the Master Plan, and had produced a Preliminary Forest Conservation Plan, a Water Quality Plan, a grading plan, a soil erosion and sediment control plan, a plan for limiting imperviousness and a plan for protecting the stream valley buffer, all of which are sufficient at the rezoning stage. Therefore, the District Council concludes that Applicant has demonstrated the environmental controls called for by the fourth required finding.

§59-D-1.61(e): common area maintenance.

The fifth required finding is:

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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 is the owner of the subject site. Exhibits 47(a) and (b). In response to this provision, the Applicant submitted draft "Articles of Incorporation of Dowden's Station Homeowners' Association, Inc." (Exhibit 17); "By-Laws for Dowden's Station Homeowner's Association, Inc." (Exhibit 18); and "Declaration of Covenants, Conditions and Restrictions for Dowden's Station Homeowner's Association, Inc." (Exhibit 19).

These documents describe the proposed ownership and maintenance of common areas by a homeowners association, after development. Specifically Article VII, Section 2 of the By-Laws provides for maintenance of the common areas.

The District Council finds that Applicant has sufficiently demonstrated both its interest in the property and its commitment to perpetual maintenance of all recreational and other common or quasi-public areas.

#### The Public Interest

The final finding which is required under Maryland law is that the proposed rezoning will be in the public interest so as to promote the comprehensive and systematic development of the County as required by the Maryland Land Use Article, Code Ann. (2012), § 21-101(a)(4)(i). When evaluating the public interest, the District Council normally considers Master Plan conformity, the recommendations of the Planning Board and Technical Staff, any adverse impact on public facilities or the environment, and public benefits such as the provision of affordable housing.

The issue of Master Plan conformance was discussed at length above. As outlined there, Applicant's proposal is consistent with the recommendations, goals and objectives of the 1994 Clarksburg Master Plan. The Planning Board and its Technical Staff both support the proposed rezoning. The impact on public facilities was also discussed above. The evidence indicates that transportation, schools and water and sewer services would not be adversely affected by the proposed development.

There was no opposition to this rezoning application, and there was no evidence of any adverse impacts on the surrounding neighborhood.

The proposed project will offer a mix of housing opportunities, including affordable housing, in a manner which is sensitive to the environment and compatible with the surrounding area.

For the reasons discussed above, the District Council concludes that the proposed development would be in the public interest.

#### Conclusion

Based on the foregoing analysis and the Hearing Examiner's report, which is incorporated herein, and after a thorough review of the entire record, the District Council concludes that the proposed development satisfies the intent, purpose and standards of the PD-4 Zone; that it meets the requirements set forth in Section 59-D-1.61 of the Zoning Ordinance; that the application proposes a project that would be compatible with development in the surrounding area; and that the requested reclassification to the PD-4 Zone has been shown to be in the public interest. For these reasons and because approval of the instant zoning application will be consistent with the coordinated and systematic development of the regional district, as required by the Maryland Land Use Article, Code Ann. (2012), § 21-101(a)(4)(i), the application will be approved in the manner set forth below.

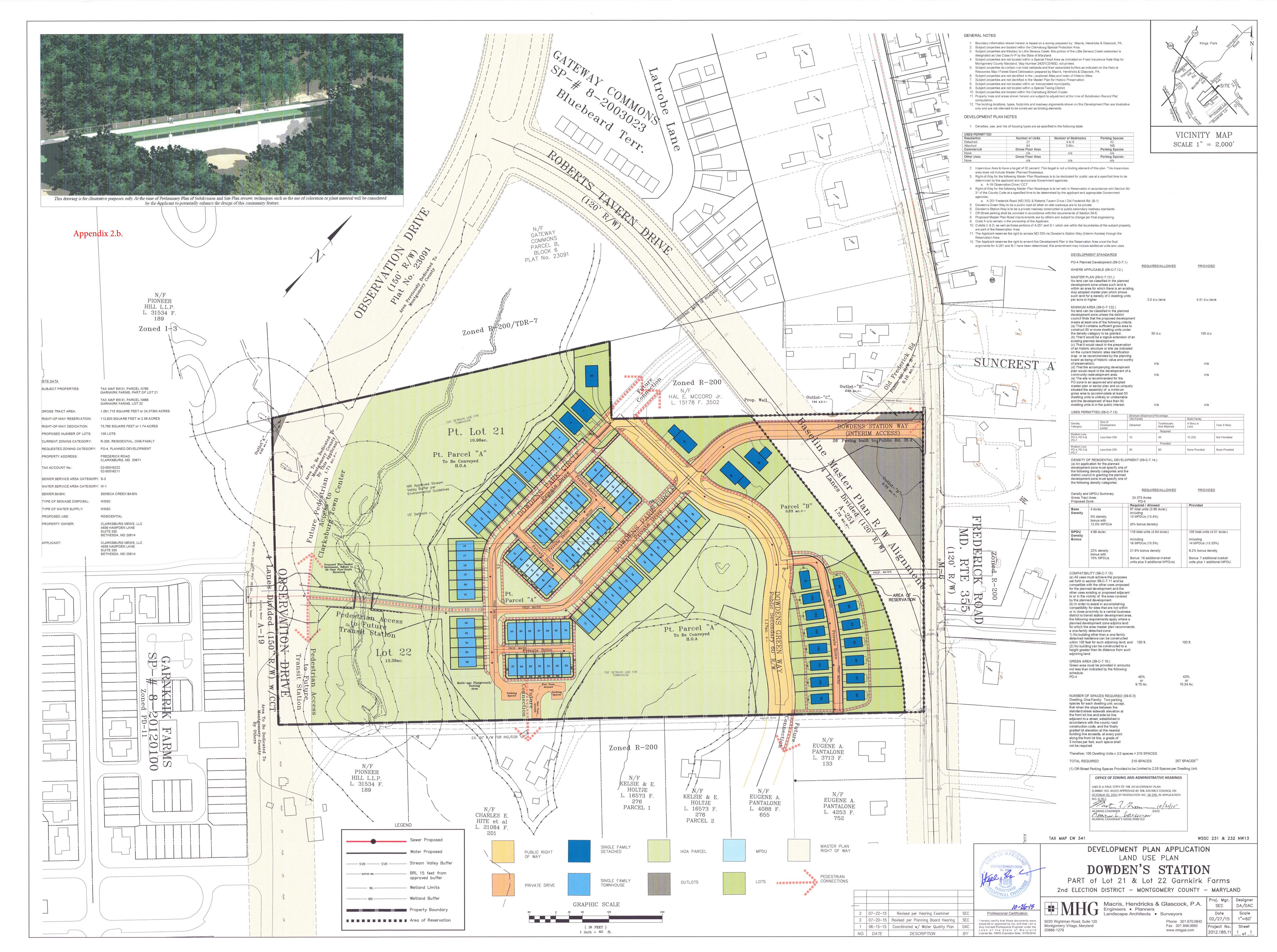
#### Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-957, requesting reclassification from the R-200 Zone to the PD-4 Zone, of a 24.37-acre parcel of unimproved land, known as Garnkirk Farms Parcel N780 (Part of Lot 21) and Parcel N888 (Lot 22), on tax map EW31, in Clarksburg, Maryland, is hereby **approved** in the amount requested and subject to the specifications and requirements of the revised Development Plan, Exhibit 65(a). The Applicant must submit to the Hearing Examiner for certification a reproducible original and three copies of the Development Plan approved by the District Council within 10 days of approval, as required under Code §59-D-1.64.

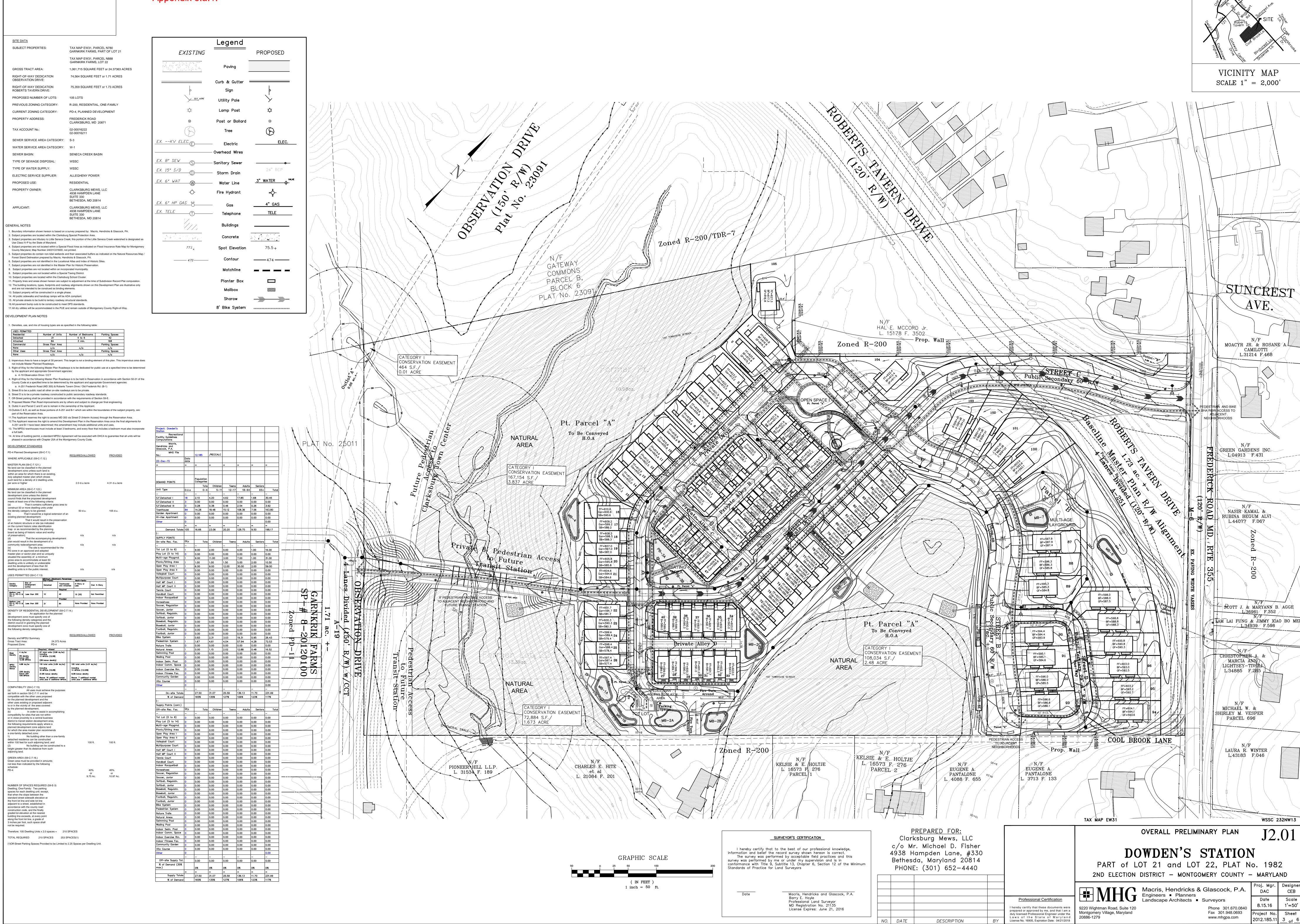
This is a correct copy of Council action.

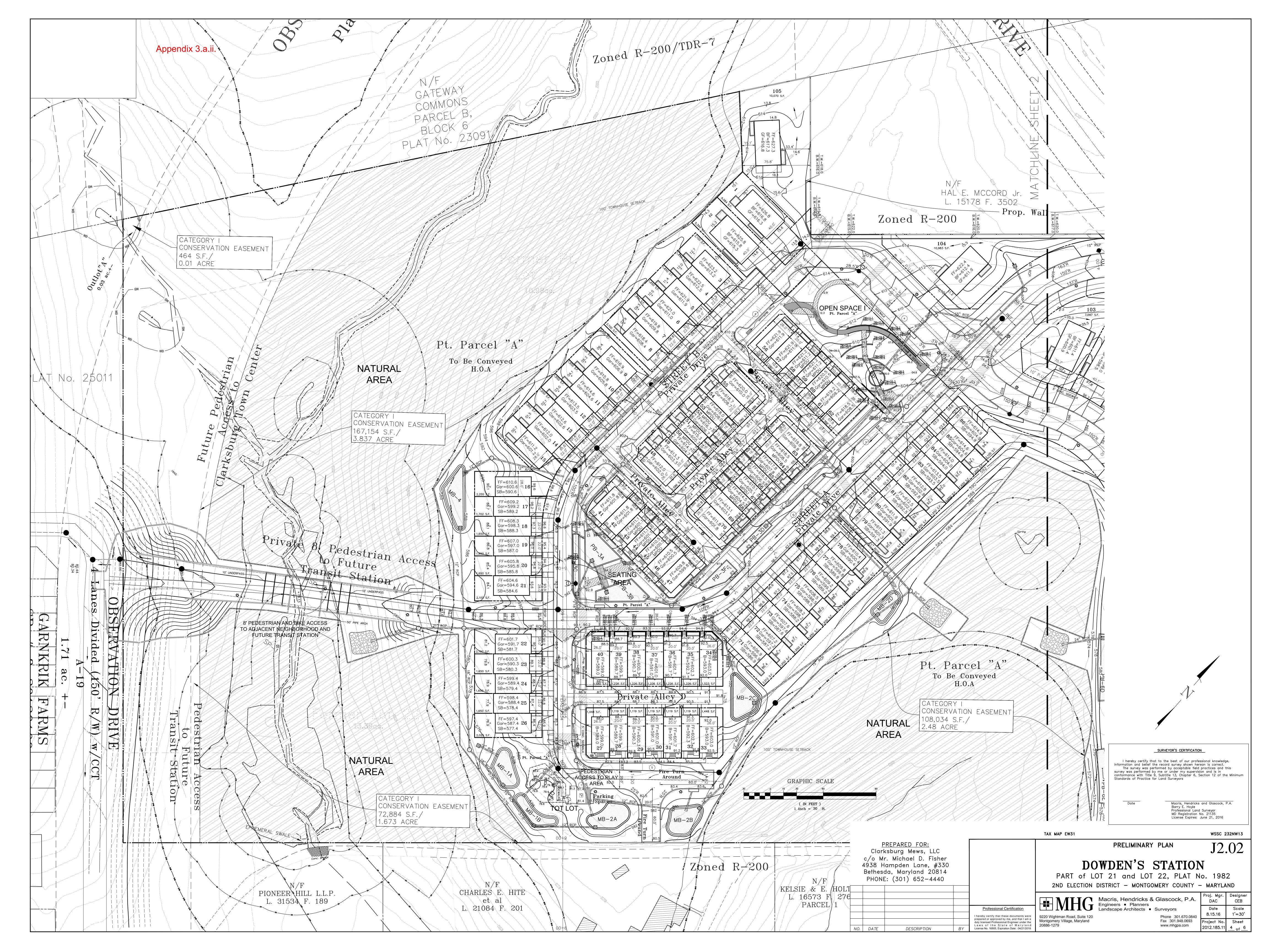
Linda M. Lauer, Clerk of the Council

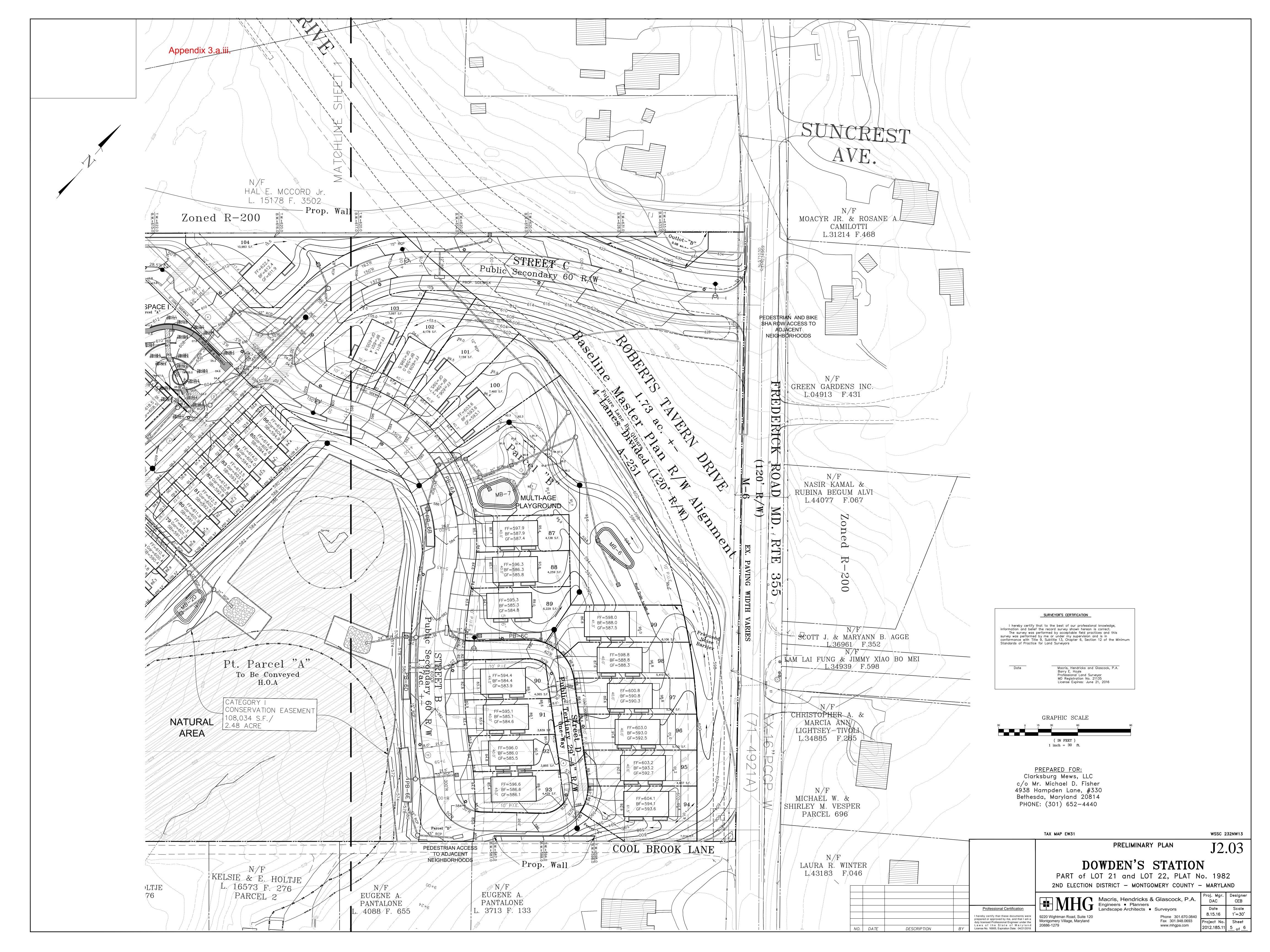


# Appendix 3 – Submitted Plans, Tables & Diagrams

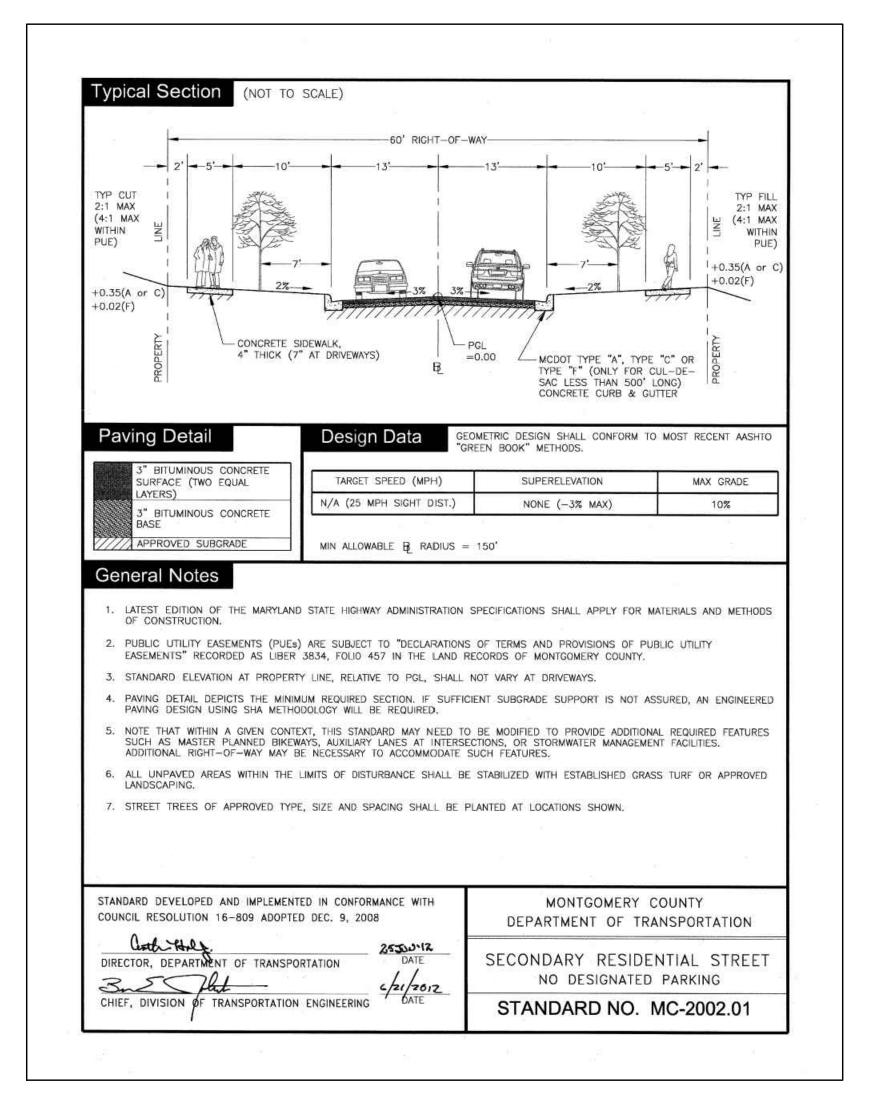
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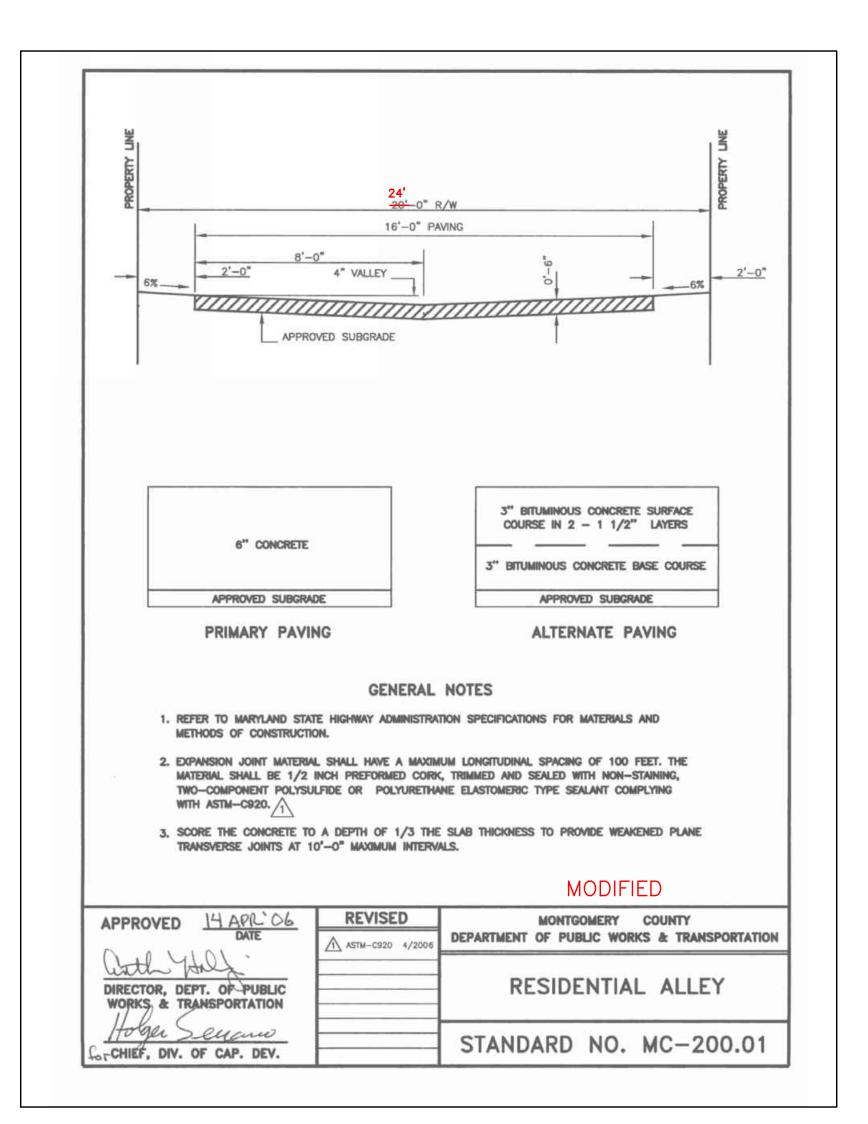




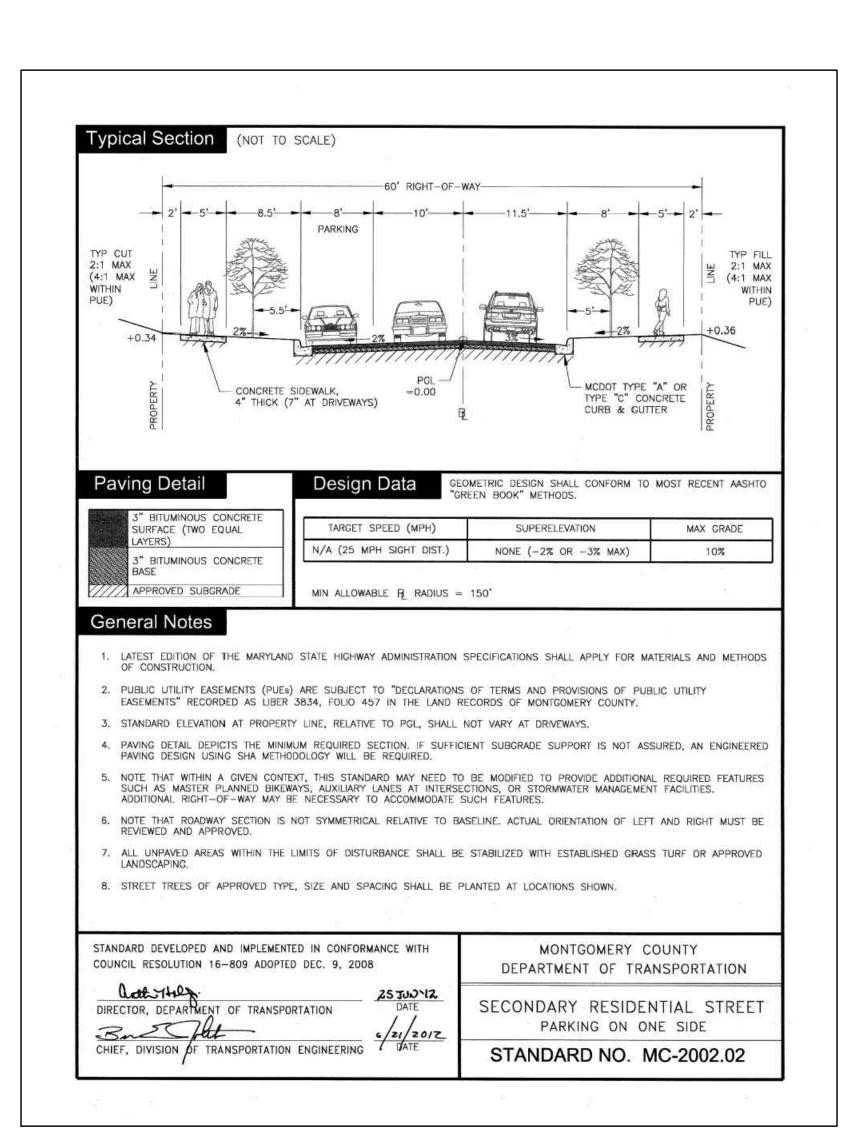
# Appendix 3.a.iv.



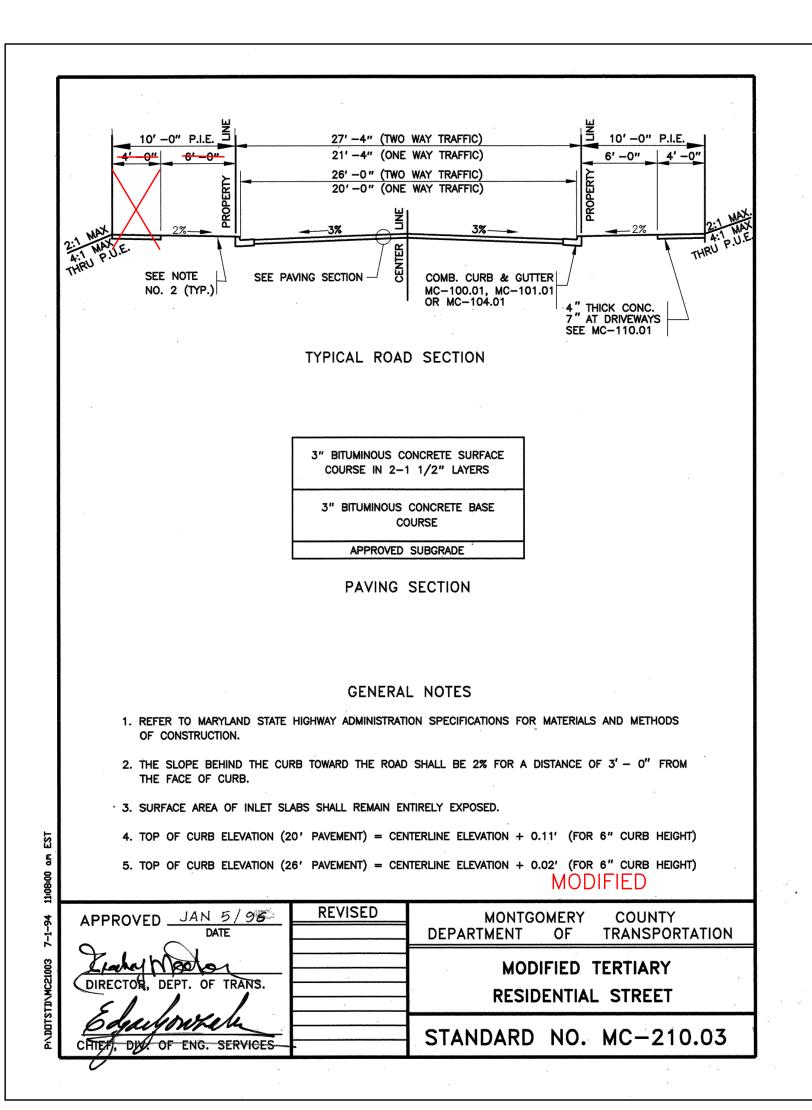
NO DESIGNATED PARKING PUBLIC STREET B



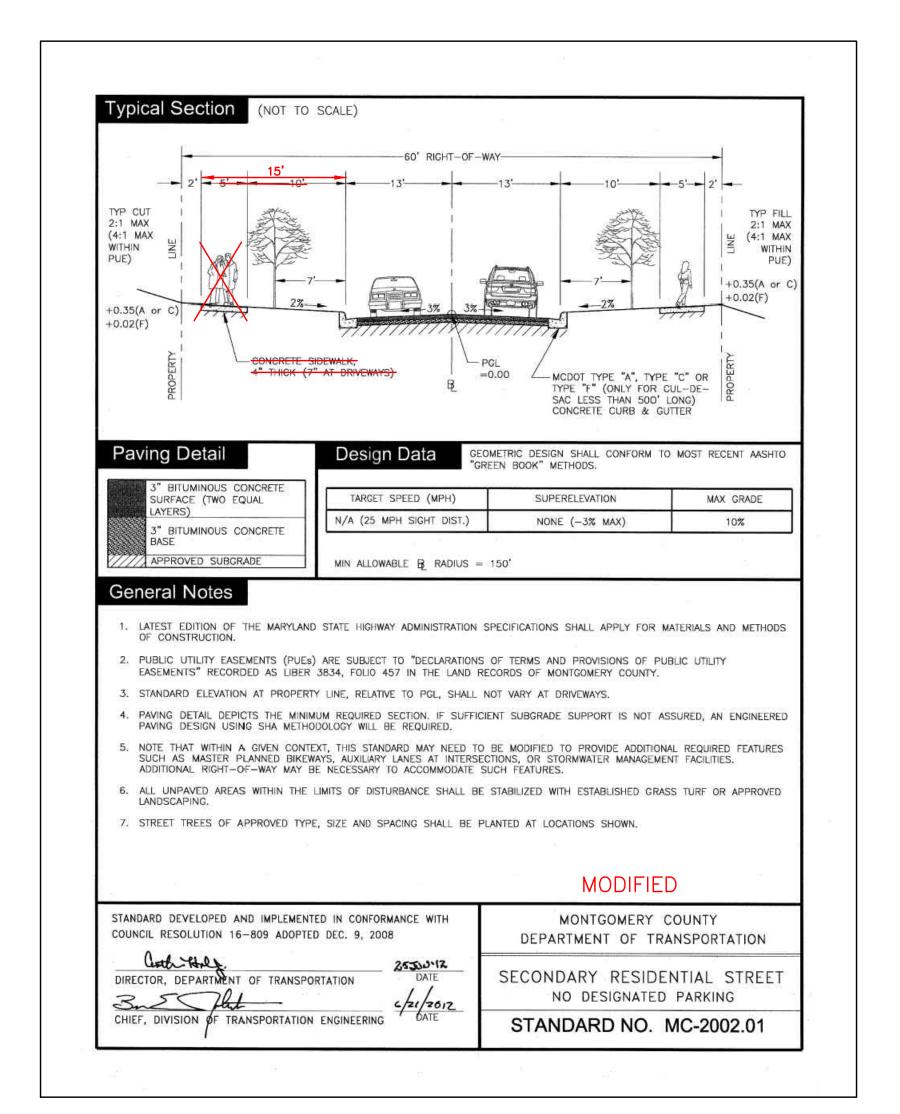
PRIVATE ALLEYS A-D



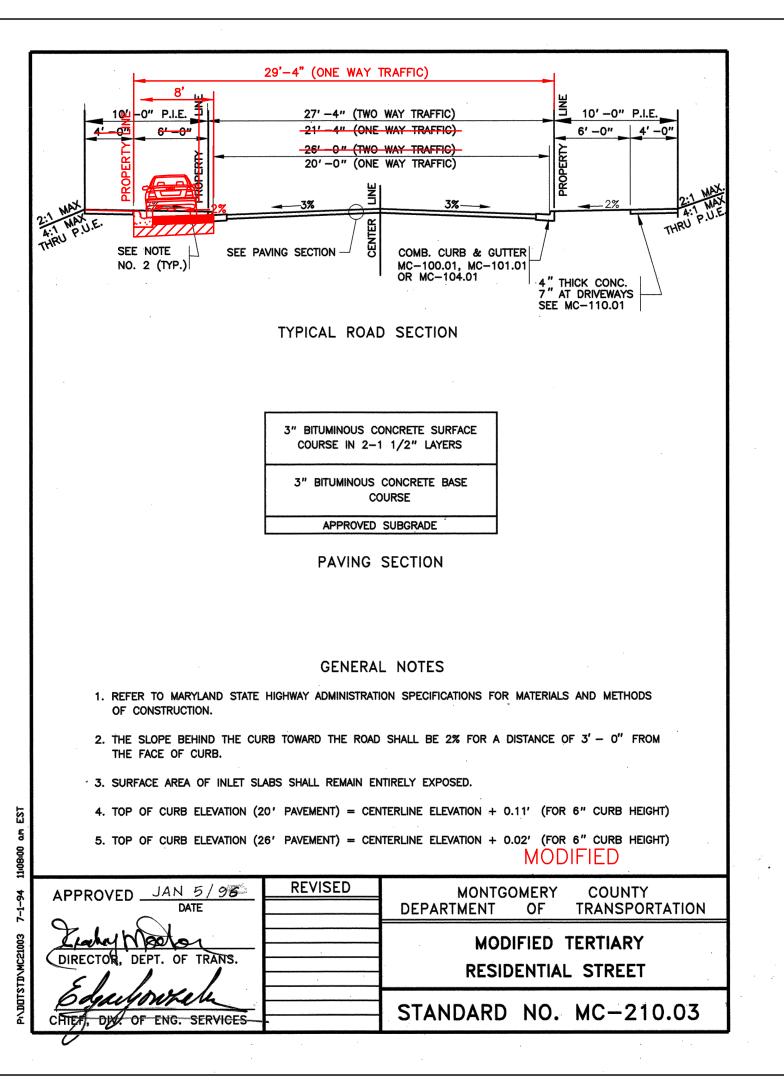
PARALLEL PARKING ALONG PUBLIC STREET B



MODIFIED TERTIARY SIDEWALK ONE SIDE STREET D



NO DESIGNATED PARKING ALONG PUBLIC STREET C & SIDEWALK ONE SIDE



MODIFIED TERTIARY SIDEWALK & PARKING ONE SIDE STREET D

THIS DETAIL ALSO USED FOR PRIVATE STREETS A AND B (20'-0" TWO-WAY TRAFFIC WITH 8'-0" PARKING WHERE NOTED)

PREPARED FOR:
Clarksburg Mews, LLC
c/o Mr. Michael D. Fisher
4938 Hampden Lane, #330
Bethesda, Maryland 20814
PHONE: (301) 652-4440

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a

DESCRIPTION

NO. DATE

Laws of the State of Maryland
License No. 16905, Expiration Date: 04/21/2018

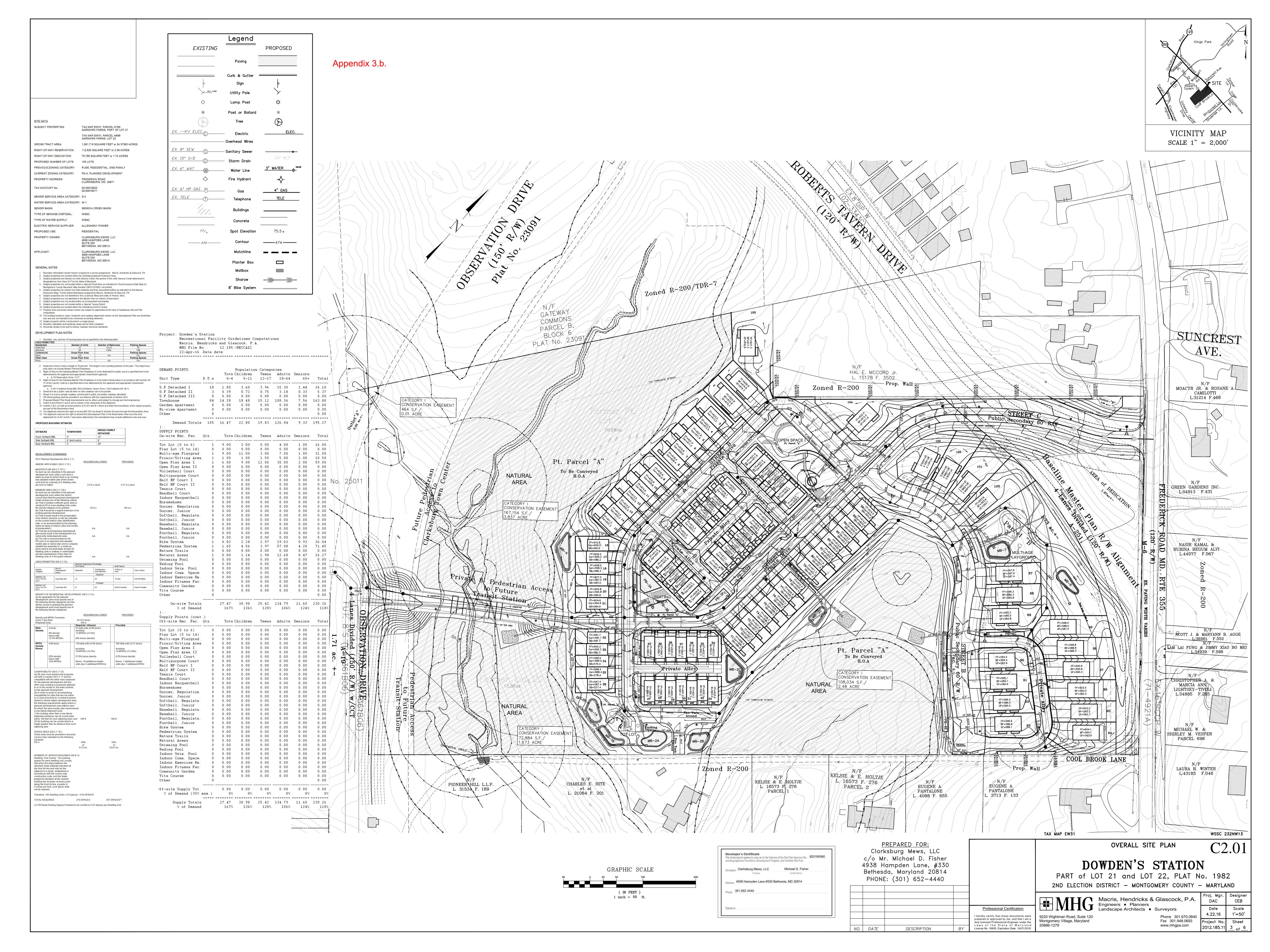
TAX MAP EW31 WSSC 232NW13 PUBLIC & PRIVATE STREET SECTIONS J2.04

DOWDEN'S STATION

PART of LOT 21 and LOT 22, PLAT No. 1982

2ND ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

| <b>■ MHC</b>                            | Macris, Hendricks & Glascock, P.A. Engineers • Planners | <b>Proj. Mgr.</b><br>DAC | <b>Designer</b><br>CEB |
|---|---|--------------------------|------------------------|
| 20 Wightman Road, Suite 120             | Landscape Architects Surveyors  Phone 301.670.0840      | <b>Date</b><br>8.15.16   | Scale<br>1'=30'        |
| ontgomery Village, Maryland<br>886-1279 | Fax 301.948.0693<br>www.mhgpa.com                       | Project No. 2012.185.11  |                        |

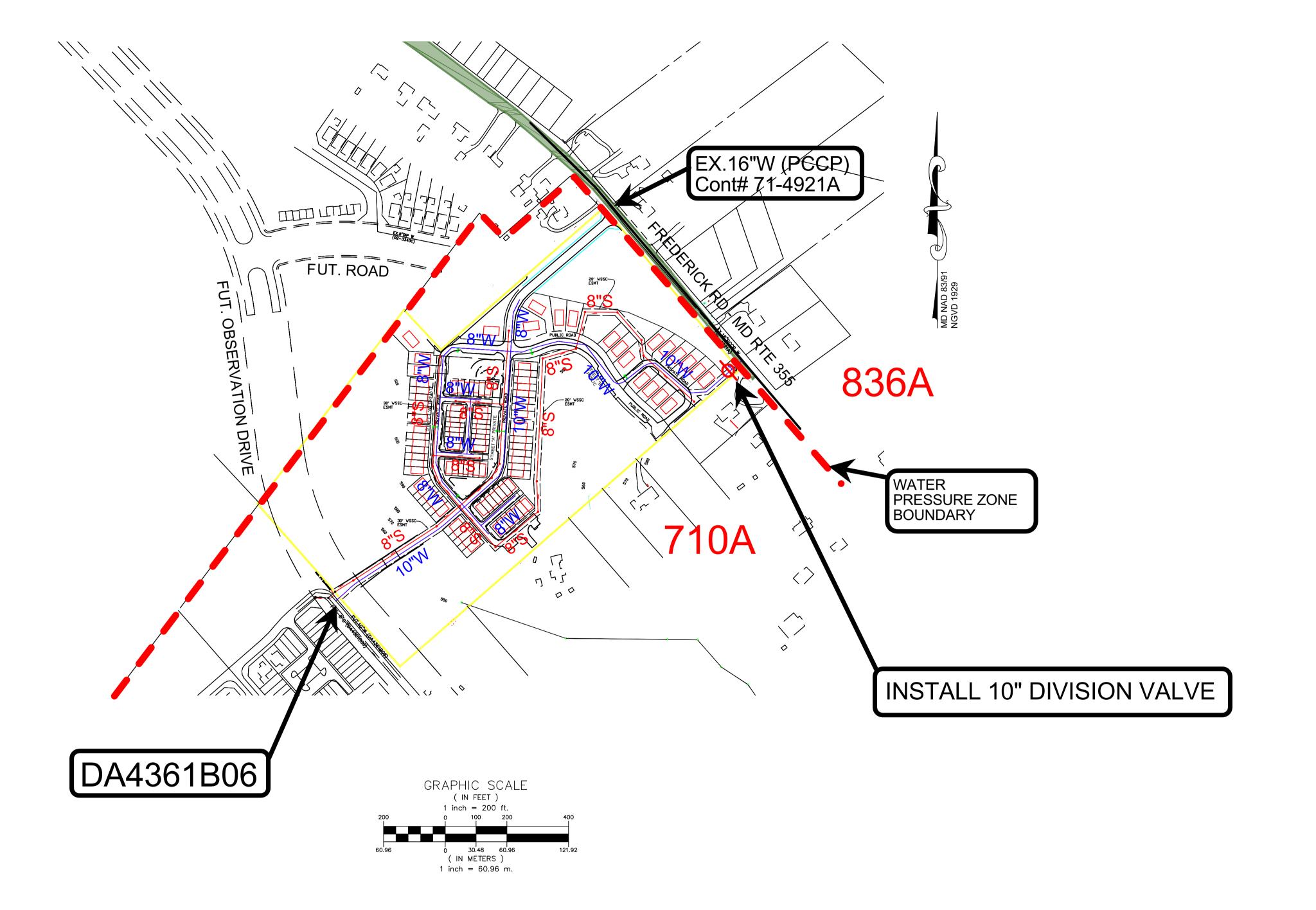


SERVICE CATEGORIES

PRESSURE ZONE 836A

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780



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| MONT. Co.  | PAGE 4928 GRID F3  |
| <u>L</u>   | <u>EGEND</u>   |
|  | APPLICANT'S PROPERTY   |
| v  | EXISTING WATER MAINS (CONTRACT # & SIZE)   |
| 0 - 0  | EXISTING SEWER MAINS (CONTRACT# & SIZE)  |
|  | PROPOSED WATER MAINS   |
| •  | PROPOSED SEWER MAINS   |
| PS FM  | PROPOSED PRESSURE SEWER/<br>FORCE MAIN   |
|  | DEPENDENT PROJECT WATER MAINS (CONTRACT# & SIZE)   |
| ⊝⊖   | DEPENDENT PROJECT SEWER MAINS (CONTRACT # & SIZE)  |
|  | EXISTING BUILDINGS   |
|  | PROPOSED BUILDINGS   |
|  | BOUNDARY OF GOV'T PARKS /<br>BOARD OF ED PROPERTY  |
|  | ADJACENT PROPERTIES  |
|  | ABUTTING ROADS W/ NAMES  |
|  | EXISTING PAVING  |
|  | PROPOSED ON-SITE WATER   |
| •  | PROPOSED ON-SITE SEWER   |
|  | PROPOSED SEWER SERVICE CONNECTIONS (COMMERCIAL, APARTMENT, & AS NEEDED)  |
| XX' ESMT   | EXISTING / PROPOSED EASEMENTS  |
|  | PROPOSED MAJOR CONTOURS<br>(EVERY 10' - IF AVAIL, IF NOT<br>PROVIDE EXISTING CONTOURS)   |
|  | PROPOSED MINOR CONTOURS<br>(EVERY 2' - IF AVAIL, IF NOT<br>PROVIDE EXISTING CONTOURS)  |
| HP/LP<br>×XXX.XX   | PROPOSED HIGH/LOW POINT<br>ELEVATIONS  |

| 'FILE CC<br>03/10/20 |   |
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| m                    | 4 |

| DEVELOPMENT BY PARTS             |      |    |      |         |               |                           |                           |
|----------------------------------|------|----|------|---------|---------------|---------------------------|---------------------------|
| PARTS<br>(OUTLINE EACH           |      |    |      | # OF UN | ITS / SQ. FT. |                           |                           |
| PART IN A<br>DIFFERENT<br>COLOR) | SFDU | TH | APTS | OFFICE  | RETAIL        | OTHER (Specify if needed) | OTHER (Specify if needed) |
| PART1                            | 22   | 83 |      |         |               |                           |                           |
|                                  |      |    |      |         |               |                           |                           |
|                                  |      |    |      |         |               |                           |                           |
|                                  |      |    |      |         |               |                           |                           |
| TOTAL =                          | 22   | 83 |      |         |               |                           |                           |

ENGINEER:

NAME: MACRIS, HENDRICKS & GLASCOCK, P.A.
ADDRESS: 9220 WIGHTMAN ROAD, SUITE 220
MONTGOMERY VILLAGE, MD. 20882
PHONE: 301-670-0840
CONTACT: PAUL SWIENTON

APPLICANT:

NAME: CLARKSBURG MEWS, LLC
ADDRESS: 4938 HAMPDEN LANE
BETHESDA, MD 20814
PHONE: 301-681-6400
CONTACT: MICHAEL FISHER
EMAIL: ACEMIFI@aol.com

DOWDEN'S STATION PART OF LOT 21 AND LOT 22, PLAT NO. 1982

DA5697Z14 CONTRACT

HYDRAULIC PLANNING ANALYSIS

SENECA CREEK DRAINAGE BASIN / MINI BASIN 15-061

#### Appendix 3d.

Given the existing sewer lines in the area and site's varied topography, providing gravity sewer service presented a challenge. Staff and the Applicant studied three possible alternatives to serve the Subject Property with public sewer which were presented to the Planning Board during zoning case G-957:

Alternative #1 (Figure 1) runs a new public sewer line down the east side of the stream valley. This sewer extension would require a 3,700-foot gravity sewer extension through forested stream valley and across three streams to a manhole near Clarksburg High School. This extension would require the crossing of approximately six to ten other properties, which the Applicant, nor the County, has easements or other legal right to cross.

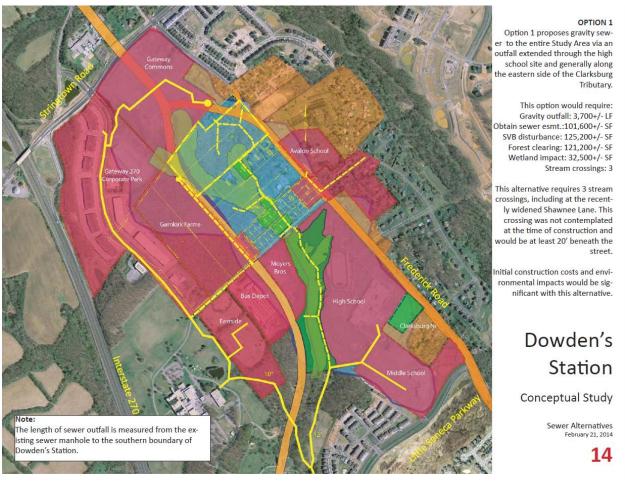


Figure 1: Sewer Alternative #1

Alternative #2 (Figure 2) is similar to Alterative #1 and runs the sewer down the lowest point of the stream valley. Alternative #2, however only it proposes 1,300 feet of gravity sewer versus the 3,700 feet in Alternative #1. This difference occurs because Alternative #2 ends the gravity sewer at Shawnee Lane rather than at Clarksburg High School. In Alternative #2, a new pump station would be constructed near the stream valley at Shawnee Lane to pump sewer uphill to existing sewer infrastructure at Observation

Drive. This alternative would cross four or more properties, which the Applicant, nor the County, has easement or other legal rights to cross at this time.

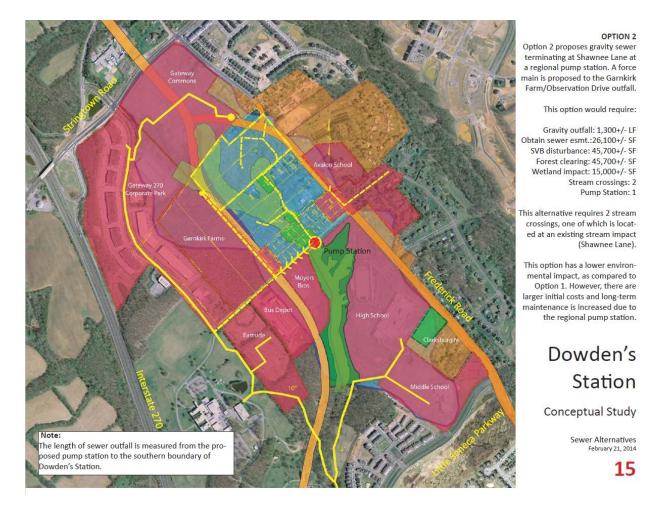


Figure 2: Sewer Alternative #2

Alternative #3 (Figure 3), the alternative proposed by the Applicant and supported by Staff, perpendicularly crosses the stream valley running south via a proposed concrete lined earth filled land bridge to connect to an existing manhole in the right-of-way in Observation Drive. This alternative would extend approximately 580 feet of gravity sewer in the concrete lined earth filled land bridge over the stream channel. This alternative while reducing the total amount of initial stream valley impact, does create a smaller permanent impact. No additional easements or crossing other properties is necessary. Because the Subject Property abuts the right-of-way of Observation Drive, the Applicant already has the ability to access and connect to existing public sewer infrastructure. This alternative also integrates a 10-foot wide pedestrian connection to Observation Drive and the future Corridor Cities Transitway on top of the utility/pedestrian land bridge.

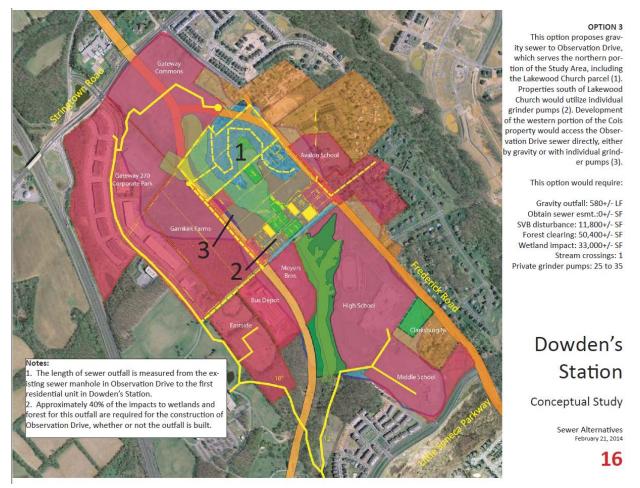


Figure 3: Sewer Alternative #3

Staff weighed these alternatives in terms of benefits to surrounding properties within the drainage basin while being able to provide adequate public facilities to the Subject Property. The sewer basin for the area encompasses approximately 350-acres and approximately 53 properties (Figure 4).

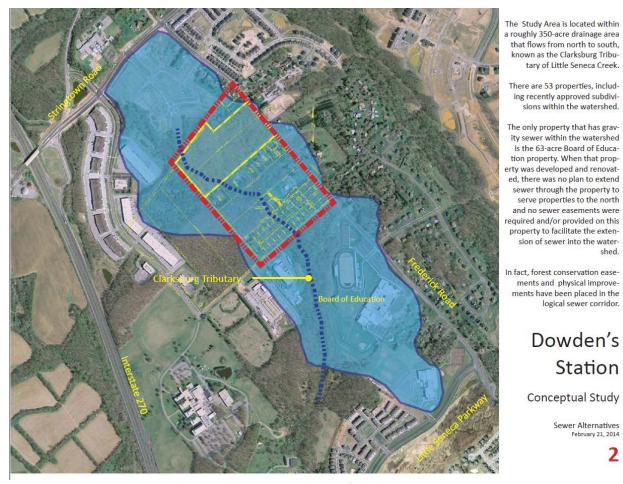


Figure 4 - Sewer Basin for Study Area

The possible alternatives for public sewer service to the Subject Property is a product of the choices made over 15 years ago. One of the early development projects in Clarksburg was Gateway 270 Corporate Park. The sewer outfall for this project was constructed in Gateway Center Drive which is not the low point where a sewer line designed to serve a large sewer basin would normally go. The low point would have been in the stream valley running across the Subject Property. Part of the reason the sewer for Gateway 270 Corporate Park was constructed in this location was the Comsat property. The sewer outfall at Comsat was the logical connection to make for this particular project because it avoided disruptive and expensive construction of sewer in the stream valley but this came at the expense of the larger sewer basin.

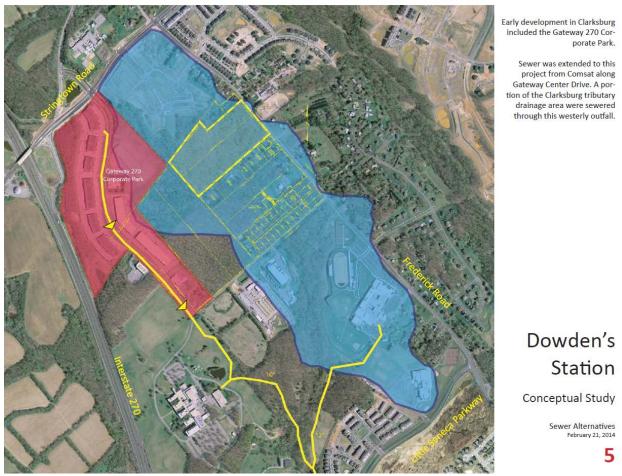
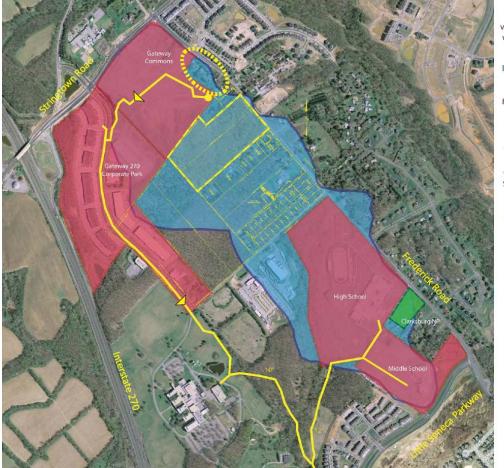


Figure 5 – Sewer Alignment for Gateway 270 Corporate Park and Comsat Sewer Outfall

In 2003, the ultimate decision which created the three alternatives presented in these Applications was the approval of Gateway Commons at the southwest corner of Stringtown Road and MD 355. This property is at the top of the sewer basin (Figure XX). The best decision for the sewer basin as a whole would have been to construct a sewer trunkline down the stream valley to the east, including across the Subject Property, to connect to the sewer outfall in the stream valley adjacent to Clarksburg High School. However, this sewer was never constructed. Instead, the sewer for Gateway Commons was extended to the south (Figure 6) to connect into the Gateway 270 Corporate Park built 3 years earlier. This developer had no easements for extend the sewer across thousands of feet of property with multiple owners at a cost that would have made this relatively small project unrealistic to construct.



The next major project to develop within the basin was Gateway Commons, at the northernmost headwaters. Rather than extend sewer through the valley from its terminus at the high school, this development was approved to bypass a regional gravity system and was allowed to contour a gravity sewer to the terminus of the Gateway 270 Corporate Park sewer.

This sewer is too 'high' to serve any other property owners within the drainage area, or the Study Area, except a handful of existing residential lots along MD 355 and the Gateway Commons project (shown in dashed yellow area).

# Dowden's Station

Conceptual Study

Sewer Alternatives February 21, 2014

7

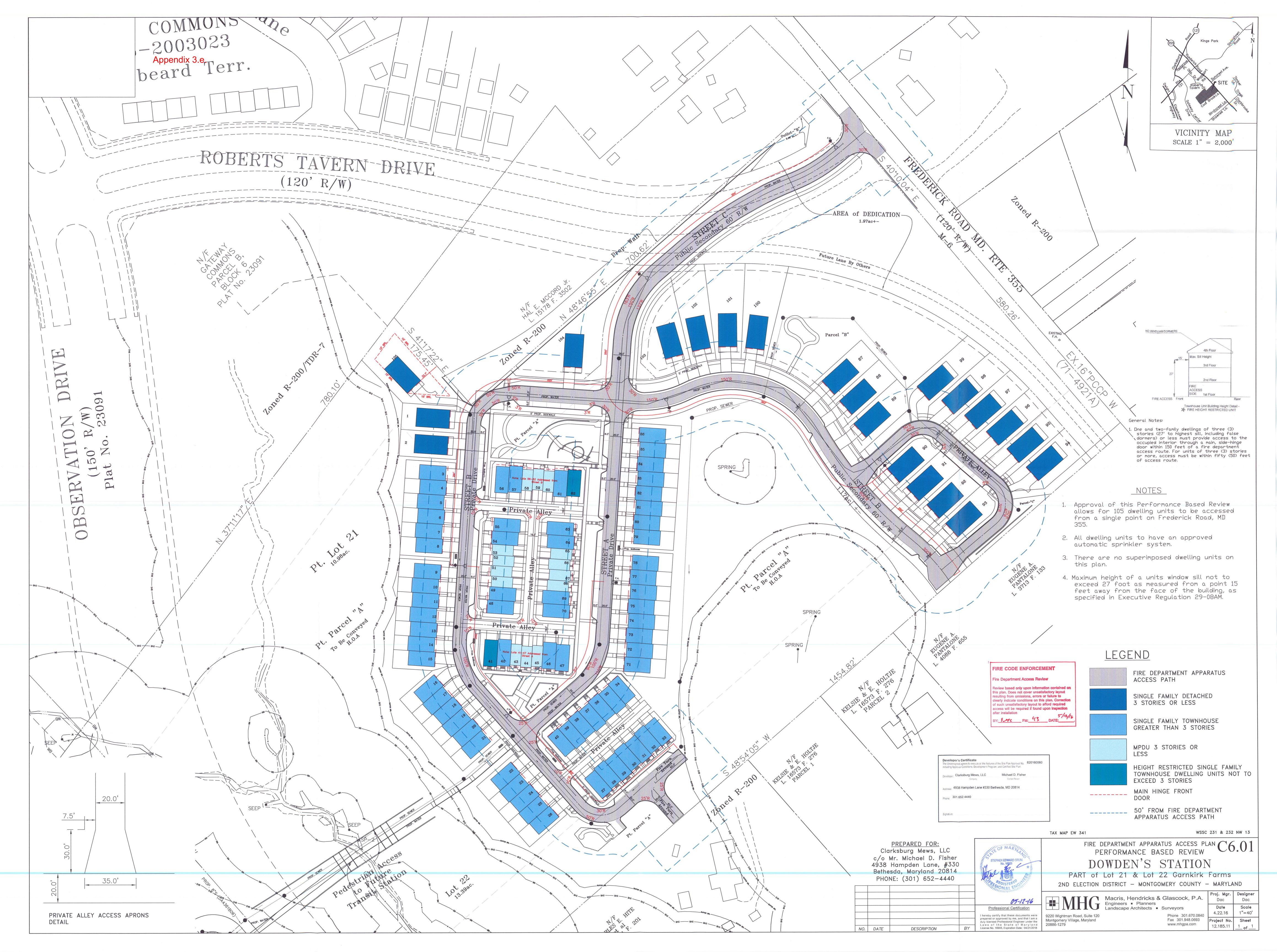
This Application face a similar dilemma. The easiest and most cost effective way to access existing sewer infrastructure is the adjacent sewer infrastructure on the other side of the stream valley as proposed in Alternative #3. At this point, given the previous choices, there is limited benefit to extended sewer down the stream valley in terms of development potential. First, any sewer extension down the stream valley east of Shawnee Lane will only serve Clarksburg High School which already has access to sewer. For the properties north of Shawnee Lane, the Applicant estimates an additional 56 single family homes could be served if sewer was extended from the Subject Property down the stream valley (Figure 7).

Figure 6 – Sewer Alignment for Gateway Commons



Figure 7 – Sewer Service for remaining properties

Staff supports Alternative #3 to across the stream valley because of the modest amount of development achieved by Alternatives #1 or #2. Furthermore, Implementing Alternative #3 does not necessarily leave remaining properties in the sewer basin without access to sewer in the future. However, it does mean that more individual grinder pumps will have to be utilized. Staff also supports Alternative #3 because it provides a pedestrian connection to the CCT for the 105 proposed units proposed on the Subject Property which is identified in the Master Plan as the Transit Corridor District.



# Appendix 4 – Agency Approval Letters

# Appendix4.a.





Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

May 24, 2016

Mr. Carl R. Wilson, Jr. The Traffic Group, Inc. 9900 Franklin Square Drive, Suite H Baltimore, MD 21236

Dear Mr. Wilson:

Thank you for the opportunity to review the Traffic Impact Study (TIS) prepared by The Traffic Group, Inc., dated March 2, 2016 (received on March 14, 2016), for the Dowden's Station project located on MD 355 (Mile Point: 22.28) in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- Proposed access to the 21 single-family units and 84 townhomes is via one (1) full movement site access to MD 355 (N. Frederick Road).
- The following intersections were analyzed under existing, background and future conditions:
  - o MD 355 intersection with Stringtown Road
  - o MD 355 intersection with Foreman Boulevard
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Mr. Carl R. Wilson, Jr. 14APMO038XX Page 2 of 2 05/24/2016

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for all construction within the SHA right of way. Please submit two (2) sets of the plans (including a set of hydraulic plans and computations) and a CD containing the plans and all supporting documentation to Mr. Brian Young at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Pranoy Choudhury. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at

http://www.roads.maryland.gov/pages/amd.aspx. Please note, if this project has not obtained an SHA access permit and begun construction of the required improvements within five (5) years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development. If you have any questions, or require additional information, please contact Mr. Pranoy Choudhury at 301-531-7325, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7325), or via email at pchoudhury@sha.state.md.us.

Sincerely,

Brian W. Young,

District Engineer, District 3, SHA

BWY/nk

cc: Ms. Samantha Biddle, SHA OPPE-RIPD

Mr. Michael Garcia, Montgomery County Planning

Ms. Elisa Mitchell, SHA OPPE-DSED

Mr. David Murnan, SHA District 3 Traffic

Mr. Errol Stoute, SHA OOTS-TDSD



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

May 31, 2016

Mr. Nicholas Leffner, P.E. Kimley-Horn and Associates, Inc. 1215 Fort Avenue, Suite 304 Baltimore MD 21230

Dear Mr. Leffner:

Thank you for the opportunity to review the plan submittal for the proposed Patient First Landover Hills – 15APPG010XX) on MD 450 (Mile Point 1.71) in Prince George's County. The State Highway Administration (SHA) has reviewed the plans and we are pleased to respond.

Based on the information provided, please address the following comments in a point-by-point response:

#### District 3 Traffic Comments (Provided by: Jack Goode):

- 1. Sheet C400, utilize MOT standard application 104.05-15 Entrance Ramp Treatment for the traffic control of the BW Parkway off-ramp to eastbound MD 450. Note descriptions and sizes for all signs.
- 2. Sheet C400, "Road Work Ahead" sign on the ramp should be revised to "Right Lane Closed Ahead" (W20-5(1), 48"x48"). Note the "Yield Ahead" sign is W3-2, 48"x48" FL/OR. Replace the "To Oncoming Traffic" sign with a "No Merge Area" sign (W4-3(1), 30"x30"). Note the "Yield" sign is R1-2, 60" x 60" x 60".
- 3. Sheet C400, in the MOT legend, revise "cone" to "drums".
- 4. Sheet C400, show a "Road Work Ahead" sign (W20-1(1), 48"x48") on 62<sup>nd</sup> Avenue, 200 feet from MD 450. Note this sign to remain installed during all 3 phases.
- 5. Sheet C401, provide written approval from Prince George's County DPIE of detour plan since it will have some effect on MD 450.

Mr. Nicholas Leffner, P.E.

SHA Tracking No.: 15APPG010XX

Page 2 of 3 5/31/2016

#### Highway Hydraulics (HHD) Comments (Provided by: Shandale Forbes):

- 1. Documentation of approval of both the stormwater management and erosion/sediment control plans have been provided.
- 2. Please reference page number from Hydraflow calculations for 2, 10 and 100-year flow discharges presented on Drainage Area Map (Sheet C310).

In summation, we recommend this project for **conditional hydraulic approval** – *subject* to the design engineer addressing comment #2 (above). Please note that any projects obtaining an SHA Access Permit but not beginning construction within three (3) years nor completing construction within five (5) years of permit issuance will require resubmittal for compliance with current policies, standards, and practices – prior to any approval of any permit extension.

#### Innovative Contracting Division (ICD) Comments (Provided by: Conan Andrzejewski):

1. Innovative Contracting Division's ADA Compliance team has completed their review of the subject project. At this time the referenced project meets SHA's Accessibility & Bicycle Policies.

#### District 3 Access Management Comments (Provided by: Kevin Harp):

1. District 3 Access Management has reviewed the plans and have no additional comments.

Further plan submittals should reflect the above comments. Please submit one (1) sets of revised plans, a CD containing the plans and supporting documentation in PDF format as well as a point-by-point response to reflect the comments noted above directly to Mr. Brian Young at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Pranoy Choudhury. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via the SHA Access Management web page at http://www.roads.maryland.gov/pages/amd.aspx.

Mr. Nicholas Leffner, P.E.

SHA Tracking No.: 15APPG010XX

Page 3 of 3 5/31/2016

If you have any questions or require additional information please contact Mr. Pranoy Choudhury at 301-531-7325, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7325), or via email at pchoudhury@sha.state.md.us

Sincerely,

Brian W. Young

District Engineer

BWY/kh

cc: Conan Andrzejewski (SHA – ICD)

Shandale Forbes (SHA – HHD)

Jack Goode (SHA – District 3 Traffic)

Adam Greenstein (SHA – District 3 Traffic)

Venu Nemani (SHA – District 3 Traffic)

Deborah Pitts (SHA – HHD)

Julie Schablitsky (SHA – OPPE)

John Vranish (SHA – ICD)

#### Appendix 4.b.



Isiah Leggett County Executive Al R. Roshdieh Director

August 11, 2016

Mr. Ryan Sigworth, Senior Planner Area Three Planning Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, MD 20910-3760

RE:

Preliminary Plan No. 120160160

Dowden's Station

Dear Mr. Sig

We have completed our review of the revised preliminary plan dated July 26, 2016. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on January 11, 2016. We appreciate the cooperation and additional information provided by the applicant and their consultant. We recommend conditional approval of the plan subject to the following comments, to be depicted prior to Certified Preliminary Plan:

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

#### **Preliminary Plan Review Comments**

- 1. Dedication of right-of-way and easements necessary for the future construction and maintenance of Observation Drive, in accordance with the Facility Planning Study prepared by our Division of Transportation Engineering (Transportation Planning and Design Section). Contact Project Manager Mr. Jon Hutchings at 240-777-7220 for coordination details.
- 2. Dedication of right-of-way and granting of necessary easements for the future construction and maintenance of Roberts Tavern Drive extension to Frederick Road (MD355), in accordance with the Facility Planning Study prepared by our Division of Transportation Engineering (Transportation Planning and Design Section). Contact Project Manager Mr. Greg Hwang at 240-777-7220 for coordination details. We accept the proposed Roberts Tayern Drive right-ofway dedication area as shown on the plan.

#### Office of the Director

101 Monroe St., 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX www.montgomerycountymd.gov/dot

Mr. Ryan Sigworth Preliminary Plan No. 120160160 Dowden's Station August 11, 2016 Page 2

- 3. Full width dedication and construction of all interior public streets including proposed Street C and Street D from its intersection with Street C to its entire loop around Lots 90-93.
- 4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
- 5. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
- 6. As this project is being reviewed after the adoption of County Council Regulation No. 16-809 and Executive Regulation No. 31-08AM ("Context Sensitive Road Design Standards"), all new County-maintained roads are to be designed and constructed in accordance with that document and the subsequently approved Context Sensitive Road Design Standards or receive approved Design Exceptions.
- 7. MCDOT did not receive a Design Exception submittal for nonstandard street designs. Prior to certified preliminary plan, provide this office with a Design Exception submittal for all nonstandard street designs.
- 8. Typical sections for all roadways should be shown on the preliminary plan. Prior to certified preliminary plan, provide this office with typical sections for all roadway sections.
- 9. It appears that public Street D (between its intersection with proposed Street C and the beginning of the loop at Lot 93) is proposed as an off-center, closed section, secondary residential road with on-street parking; the comparable MCDOT design standard for this scenario is MC-2002.02. We support Planning Board approval of the proposed design.
  - The plan also does not propose a sidewalk on the west side of this street within the aforementioned limits. In accordance with Expedited Bill 33-13 ("Streets and Road Urban Road Standards and Pedestrian Safety Improvements"), sidewalks may be deleted "in an environmentally sensitive area with limits on the amount of impervious surface allowed, if . . . Planning Board finds that a sidewalk is unnecessary for pedestrian movement." We do not oppose a Planning Board finding to not require a sidewalk on the west side of this street within these limits.
- 10. Proposed future public Street B (between its intersection with Street C and private Street B) appears to propose that road to be consistent with our design standard MC-2002.02 ("Secondary Residential Street-Parking on One Side") with sidewalks on both sides of the street. However, the plan depicts an approximately seven (7) foot high retaining wall within the public right-of-way where the road curves to intersect private Street B ten (10) feet behind the curb. We have not received a concept plan for the proposed retaining wall so the engineering details for this retaining wall remain questionable (temporary and perpetual easements from the adjacent property owner may be necessary to enable construction and maintenance of this wall).

Mr. Ryan Sigworth Preliminary Plan No. 120160160 Dowden's Station August 11, 2016 Page 3

While we support dedication of this section of right-of-way at this time, we cannot support public maintenance on Street B (within these limits) due to the proposed retaining wall. For these reasons, we recommend the Planning Board:

- Street B (between its intersection with Street C and the northern limit of the proposed onstreet parking) should be designed and constructed in accordance with Standard MC-2002.02. On-street parking may be constructed within these limits.
- o The driveway apron for proposed Lot 104 may be located as shown on the plan.
- O The section of Public Street B, between its intersections with Street C and private Street B will not receive public maintenance until the retaining wall is removed. In the interim, the Homeowners Association will be responsible for maintenance of this road under a Maintenance and Liability Agreement with the County. That agreement will be extinguished when the road is taken over for public maintenance when private Street B is extended (as a public street) to intersect with future Roberts Tavern Drive.
- The applicant will need to submit a revised fire access plan to Ms. Marie LaBaw of Montgomery County Fire & Rescue Services (MCFRS) – soon to be in the Department of Permitting Services.
- 11. We have not seen a truck turning template to confirm that the proposed loop of Street D around Lots 90-93, with reduced centerline turning radii, provides adequate room for County vehicles to turn within the right-of-way. At the permit stage, the applicant will need to submit these diagrams to the Department of Permitting Services and modify the design to accommodate those movements, if necessary.

This proposed loop will necessitate a Planning Board finding approving the currently proposed reduced centerline turning radii; in consideration of the proposed one-way movement, we recommend Planning Board approval of the reduced radii.

Mr. Ryan Sigworth Preliminary Plan No. 120160160 Dowden's Station August 11, 2016 Page 4

12. Street C (between its intersection with Frederick Road/MD355 and proposed Street B) is depicted and labelled on the plan as a closed section, secondary residential street without on-street parking. The comparable MCDOT design standard for this scenario is MC-2002.01 ("Secondary Residential Street – No Designated Parking").

The plan also does not propose a sidewalk on the north side of this street within the aforementioned limits. In accordance with Expedited Bill 33-13 ("Streets and Road – Urban Road Standards and Pedestrian Safety Improvements"), sidewalks may be deleted "in an environmentally sensitive area with limits on the amount of impervious surface allowed, if . . . Planning Board finds that a sidewalk is unnecessary for pedestrian movement." We do not oppose a Planning Board finding to not require a sidewalk on the west side of this street within these limits.

- 13. All intersection chokers on County-maintained streets are to be designed and constructed in accordance with the Department of Permitting Services' Design Guideline for same.
- 14. MCDOT reviewed and conceptually approved the locations of the proposed stormwater management facilities shown on public Street B, as conveyed via email to Mr. Leo Galanko of MCDPS Water Resources on June 3<sup>rd</sup>, 2016. The details of those facilities will be finalized at the permit stage.
- 15. In accordance with Section 49-20 of the Montgomery County Code, permanent obstructions cannot be installed in the County right-of-way without a franchise agreement approved by the County Council. However, "franchise" does not include a temporary, removable obstruction or occupation of a right-of-way for which the Department of Permitting Services has [will] issue a permit under Section 49-11.
- 16. Access and improvements along Frederick Road (MD 355) as required by the Maryland State Highway Administration (MSHA).
  - The applicant will need to coordinate with the MSHA regarding the Street C connection to MD Route 355. This coordination includes all improvements necessary for the interim phase for site access via Street C.
- 17. Montgomery County has a Capital Improvements Program project (CIP Project No. 501118, "Frederick Road Bike Path") for a proposed ten (10) foot wide hiker-biker trail along the west side of MD 355 between Stringtown Road and Brink Road. The applicant will need to coordinate the proposed site access and MD355 frontage improvements with the CIP project plans. Contact Project Manager Ms. Yasamin Esmaili of our Division of Transportation Engineering (Transportation Planning and Design Section) at 240-777-7220 for coordination details. That project is currently in the final design phase and is scheduled for advertising in December, 2016.

If any improvements along the MD355 site frontage necessary for access to this project (such as acceleration and/or deceleration lanes) will affect the CIP project design, the applicant will be required to include construction of that path in their MSHA access permit.

- 18. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. We defer to the Planning Board for the composition, typical section, horizontal alignment, profile, access locations and sight distances, landscaping, lighting, drainage characteristics, and maintenance of private common driveways and private streets, beyond the public right-of-way.
- 19. We support construction of a private pedestrian access to the future Corridor Cities Transit (CCT) station west of the site on Observation Drive as part of this project. The applicant will need to coordinate with Rapid Transit System Development Manager Ms. Joana Conklin of our Director's Office and Mr. Rick Kiegel of Maryland Transit Administration regarding the latest plans for the CCT. Ms. Conklin may be contacted at 240-777-7195 or at joana.conklin@montgomerycountymd.gov; Mr. Kiegel may be contacted at 410-767-1380 or at rkiegel@mta.maryland.gov.
- 20. The Traffic Impact Study (TIS) was approved by MCDOT on April 11, 2016.
- 21. The applicant must pay the TPAR mitigation payment that is equivalent to 25% of the Transportation Impact Tax prior to issuance of the building permit.
- 22. MCDOT defers to MNCP&PC for access and improvements for private streets (including alignment, profile, typical section, drainage, maintenance and liability, etc.).
- 23. Private streets are to be built to tertiary roadway structural standars.
- 24. The storm drain study is incomplete and has not been approved. Environmental Site Design (ESD) and reduced runoff curve numbers cannot be credited to reduce the ten (10) year post development storm drain calculations. This detail will need to be addressed at the permit stage.
  - However, based on our analysis of that study and site conditions, downstream improvements to the County maintained storm drain system will not be required for this project.
- 25. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
- 26. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
- A. Construct proposed future public Street B (from its intersection with proposed private Street B through its intersection with proposed Street C) as Secondary Residential Street-Parking on One Side in accordance with design standard MC-2002.02. Execute an interim Maintenance and Liability Agreement in accordance with comment no. 8 of this letter.

- B. Construct proposed public Street D (from its intersection with proposed Street C to its beginning of the loop at Lot 93) as a non-standard Secondary Residential Street-Parking on one side in accordance with design standard MC-2002.02 (modified to delete sidewalk on one side of the road and for an off-center pavement section) in accordance with comment no. 8 of this letter.
- C. Construct the proposed one-way, public Street D loop around Lots 90-93 as a non-standard, Modified Tertiary Residential Street. This street will be designed in accordance with Standard No. MC-210.03 and be modified to add parallel parking on the west side of the loop, to the east of Lots 91 & 92.

\*NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.

- D. Enclosed storm drainage and/or engineered channel are to be designed in accordance with the MCDOT <u>Storm Drain Design Criteria</u> within the County rights-of-way and all drainage easements.
- E. Provide permanent monuments and property line markers as required by Section 50-24(e) of the Subdivision Regulations.
- F. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- G. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- H. The developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. William Whelan, our Development Review Engineer for this project, at <a href="mailto:william.whelan@montgomerycountymd.gov">william.whelan@montgomerycountymd.gov</a>.

Sincerely,

Gregory M. Leck, Manager Development Review Team Office of Transportation Policy

M:\corres\FY17\Traffic\Active\120160160 Dowden's Station - MCDOT FINAL prelim plan ltr.doc

cc: Michael Fisher Clarksburg Mews, LLC

Jonathan Lerner Meridian Homes, Inc

Steve Crum Macris, Hendricks & Glascock, P.A. Colleen Bowers Macris, Hendricks & Glascock, P.A.

Jody Kline Miller, Miller & Canby

Pranoy Choudhury
Richard Weaver
Molline Jackson
MNCP&PC, Area 3
MNCP&PC, Area 3

Preliminary Plan folder

Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR

Sam Farhadi MCDPS RWPR Leo Galanko MCDPS WRM

Marie LaBaw MCFRS

Gary Erenrich MCDOT OTP

Eric Willis MCDOT DTE/PAS
Timothy Cupples MCDOT DTE/TPD
Yasamin Esmaili MCDOT DTE/TPD
Greg Hwang MCDOT DTE/TPD
Jon Hutchings MCDOT DTE/TPD

Mark Terry MCDOT DTEO
William Whelan MCDOT OTP

### **MAILING LIST**

Michael Fisher Clarksburg Mews, LLC 4938 Hampden Lane Bethesda, MD 20814

Jonathan Lerner Meridian Homes, Inc 4938 Hampden Lane, #330 Bethesda, MD 20814

Steve Crum Macris, Hendricks & Glascock, P.A. 9220 Wightman Road, Suite 120 Gaithersburg, MD 20886

Colleen Bowers Macris, Hendricks & Glascock, P.A. 9220 Wightman Road, Suite 120 Gaithersburg, MD 20886

Jody Kline Miller, Miller & Canby 200 B Monroe Street Rockville, MD 20850

Pranoy Choudhury MSHA District 3 9300 Kenilworth Avenue Greenbelt, MD 20770

Mr. Richard Weaver Area Three Planning Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, MD 20910-3760

Ms. Molline Jackson Area Three Planning Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, MD 20910-3760

### Appendix 4.c.



#### DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett

County Executive

Diane R. Schwartz Jones *Director* 

June 23, 2016

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

Re: Final 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 Final Water Quality Plan (FWQP) for the above mentioned site is **acceptable**. The Final Water Quality Plan proposes to meet required stormwater management goals via a combination of micro-bioretention and planter box micro-bioretention to provide full ESD for the proposed development. This approval is for the elements of the Final 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 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. The ESD features in the public Right-of-Way have been approved by MCDOT however it was stated that some of the details would need to be worked out at the design stage. These features will need to meet DPS standards. It was also noted that sidewalk may be required on the west side of Street "B", it appears that doing this may impact the stream valley buffer.
- 3. Provide safe outfalls from all planter boxes that outfall to public areas. It appears that the planter box outfall that drains lots 12,13 and 14 will need to be extended further down the slope.
- 4. Provide safe non-erosive outfalls of the storm drain system into the proposed green/HOA areas.
- 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.

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

Mr. Pearce Wroe June 23, 2016 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 Clarksburg 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: me Img

CC:

C. Conlon L. Galanko SM File # 270835

ESD Acres:

24.4 acres

STRUCTURAL Acres:

0.0

WAIVED Acres:



14501 Sweitzer Lane • Laurel, Maryland 20707-5901

#### COMMISSIONERS

Chris Lawson, Vice Chair Fausto Bayonet Omar M. Boulware Howard A. Denis Mary Hopkins-Navies

GENERAL MANAGER Carla A. Reid

3/10/2016

Clarksburg Mews, LLC c/o Michael Fisher 4938 Hampden Lane Bethesda, MD 20814

Re: Phase I Letter of Findings, WSSC Project No. DA5697Z14, Dowden's Station.

Dear Mr. Fisher:

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

| HYDRAULIC SUMMARY TABLE              |                                       |  |
|--------------------------------------|---------------------------------------|--|
| Proposed Development: 22 SFDU, 83 TH |                                       |  |
| 200-ft Sheet: 232NW13                |                                       |  |
| SEWER                                | WATER                                 |  |
| WWTP Service Area: Damascus/Seneca   | Hydraulic Zone Group: Montgomery High |  |
| Creek                                |                                       |  |
| Mini-Basin Number: 15-061            | Pressure Zone: 710 A                  |  |
|                                      | High Grade: 722 feet                  |  |
|                                      | Low Grade: 710 feet                   |  |

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

### SPECIAL CIRCUMSTANCES

This letter of findings may need to be revised and amended, if the earth embankment over the stream tributary of Little Seneca Creek is not approved by Montgomery County Department of Environmental Protection. WSSC water and sewer designed parallel in earth embankment will need to meet all design requirements as per latest WSSC Pipeline Design Manual, WSSC Standard Details for construction and WSSC General Conditions & Standard Specifications. Special designs may be required.

The HPA is an analysis of the hydraulics and general planning of water and sewer alignments to provide service to lots and/or buildings proposed by the applicant. Although the HPA does not review for design issues such as clearances with other utilities, or conflicts with other improvements such as curbs, buildings, landscape structures and features, access issues, etc., it was noted during this review that space is very limited for typical improvements while meeting all WSSC design requirements. A pre-design meeting to discuss more specific design considerations is encouraged.

### **MANDATORY REFERRAL PROCESS**

This project may be subject to the Maryland-National Capital Park and Planning Commission's Mandatory Referral Program, depending on its planned water / sewer infrastructures and associated appurtenances. It is the Applicant's responsibility to contact the appropriate County's Department of Park and Planning for specific guidance and their standards for Mandatory Referral Review. During Phase 2 Design Review, WSSC must be notified, if the project is subject to the Mandatory Referral Process.

### SANITARY SEWER CONDITIONS

#### REQUIRED SANITARY SEWER MAIN SIZES

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

### **EXTRA-DEPTH SEWER**

Due to the proposed and existing topography, it will be necessary to construct extra-deep sewer ranging from 10 to 17 feet. See the WSSC Pipeline Design Manual, Section C-2.2, for easement width requirements for deep sewers. Any pipe deeper than 20 feet (trench bottom) will require a special design that takes into consideration future maintenance of the deep sewer.

### **SHALLOW-DEPTH SEWER**

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

#### ENVIRONMENTAL IMPACTS

The proposed sewer main outfall will impact wetlands, stream buffers, 100-year flood plain, steep slopes, and possibly large trees. The alignment may need adjustment during the design stage.

#### SEWER SERVICE DEPENDENT ON OTHER CONSTRUCTION

Sewer service is dependent on Project No. **DA4361B06 Garnkirk Farms** being constructed and released for service. The WSSC can not guarantee when this project will be completed.

### WATER MAIN EXTENSION CONDITIONS

System division valve installation is required at the connection from pressure zone 710A to higher pressure zone 836A near the connection to the 16"PCCP in Frederick Road. This connection is required for service outage and redundancy purposes.

### LARGE DIAMETER WATER MAINS IN THE VICINITY

There is a 16-inch diameter water main located in the vicinity of this project. WSSC records indicate that the pipe material is Pre-stressed Concrete Cylinder Pipe (PCCP).

Prior to submittal of Phase 2 System Integrity review, it is the applicant's responsibility to test pit the line and determine its exact horizontal and vertical location as well as to verify the type of pipe material. *The applicant's engineer is responsible for coordinating with WSSC for monitoring and inspecting test pits for this project.* Results of the test pit findings must be accurately depicted on ALL Phase 2 plan submittals and support documents.

Please refer to WSSC Pipeline Design Manual, Part 3, Section 11, Loading Analysis, for additional general information and guidance.

### DIRECT WATER SERVICE FROM AN EXISITNG PCC WATER MAINS

Water service connections to Pre-stress Concrete Cylinder Pipes (PCCP) are not permitted. At minimum, two sections of a PCCP must be removed and replaced with a new material (DIP) prior to connecting to the main. For more details, see Part

One, Section 7, page W-7.4, of "Revisions to the Pipeline Design Manual", dated March 2015.

### REQUIRED WATER MAIN SIZES

The diameters of the proposed mains, **10 and 8 inches**, are shown on the attached sketch.

### ISOLATION VALVES

Provide sufficient numbers of isolation valves on new mains to provide redundancy. Isolation valves are required on existing public mains when a proposed main connects to an existing public main.

#### SPECIALTY VALVE TABLE AND SKETCH ON DESIGN PLANS

Provide a Specialty Valve Schedule Table on the plans to provide detailed instructions showing the valves to be opened or closed with each sequence of construction. See the sketch for preliminary locations of specialty valves. **Keep the division valve** *Closed*.

### SHOW ZONE BOUNDARY ON DESIGN PLANS

This project will be connecting pressure zones 710A and 836A. Design plans that encompass both zones should indicate the zone boundary shown on the attached sketch.

### WATER SERVICE DEPENDENT ON OTHER CONSTRUCTION

Water service is dependent on Project No. **DA4361B06 Garnkirk Farms** being constructed and released for service. The WSSC can not guarantee when this project will be completed.

### **INSTALL BOOSTER PUMPS**

Due to low water pressure conditions (less than 40 psi), the on-site plumbing system requires booster pump installation. Booster pumps are required for buildings with first floor levels above elevation <u>618 feet</u>.

### **EASEMENT CONDITIONS**

### **COORDINATION WITH OTHER BURIED UTILITIES**

Refer to WSSC Pipeline Design Manual Pages G-1 and G-2 for utility coordination requirements. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC easement unless specifically approved by WSSC. Longitudinal occupancy of WSSC easements (by other utilities) is not permitted. Proposed utility crossings of WSSC pipelines or easements that do not adhere to WSSC's pipeline crossing and clearance

standards will be rejected at the design plan review phase. Refer to WSSC Pipeline Design Manual Part Three, Section 3. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including impacts to proposed street and building layouts.

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

### IMPACTS DUE TO GRADING / PIPE LOADING CHANGES

Any grading, change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC easement requires **advance approval**\_by WSSC. Any proposed public street grade establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street easement requires WSSC approval directly on the original GEP **prior to** approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation, or abandonment) of existing WSSC facilities is done at the sole expense of the applicant / builder / developer. For Relocations work associated with a Systems Extension Project or a Site Utility Project, contact the Development Services Group. Please arrange for this review before plan submittal. See WSSC Design Manual C-11.

#### PROVIDE FREE EASEMENT TO WSSC

Easements across your property for water and sewer line placement must be provided at no cost to the WSSC. The Applicant shall execute and deliver on-property easements prior to the Certificate of Substantial Completion, which shall constitute an irrevocable offer by the Applicant to convey all on-property easements to WSSC.

### ADHERE TO MINIMUM EASEMENT WIDTHS

The minimum easement width for a normal (14 inches diameter or less) extension, either water or sewer, installed at normal depth is 20 feet. A minimum easement width of 30 feet is required when both normal-diameter water and gravity sewer lines are installed in the same easement at normal depth. Installation of deep or large water and / or sewer mains will require additional easement width. For minimum horizontal separation between a building and a WSSC pipeline, refer to the requirements in the current applicable Pipeline

Clarksburg Mews, LLC 3/10/2016 Page 6

> Design Manual, Part Three, Section 3.c.2. Based on WSSC requirements, the minimum spacing between adjacent buildings with both water and sewer lines between them should be at least 40 feet and, in some cases, greater when connections, fire hydrants, or deep sewer or water lines are involved. Balconies and other building appurtenances are not to be within the easement. Additionally, water and sewer pipeline alignment should maintain 5 feet horizontal clearance from storm drain pipeline / structures and other utilities.

#### PRIVATE STREET EASEMENT REQUIREMENTS

Service mains for this project are located in roadways identified as "private". WSSC easements must not overlap Public Utility Easements. Proper clearances must be maintained between WSSC mains and other utilities, as per WSSC water and sewer design criteria.

### ENVIRONMENTAL CONDITIONS

The applicant must resolve all environmental issues directly with the Environmental reviewer. All outstanding environmental issues must be resolved prior to the Design Phase.

The next step in the process is Phase 2, Review for System Integrity. Contact Permit Services at 301-206-8650 or at www.wsscwater.com for more information on electronic submittal of System Integrity Review Packages. Should you wish to schedule a pre-design meeting or if you have any questions or concerns, please feel free to contact me at 301-206-8631 or Monika.Kornhauser@wsscwater.com.

Morika Koalianser

Sincerely.

Monika Kornhauser Project Manager

Development Services Group

Acting Unit Coordinator Development Services Group

Enclosure: sketch

Macris, Hendricks & Glascock, P.A. – Paul Swienton cc:

Mr. Alan Soukup (alan.soukup@montgomerycountymd. gov) - Department of

Environmental Protection - Montgomery County Government

# Appendix 4.e.



## DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

April 11, 2016

Al R. Roshdieh Director

Mr. Ed Axler, Planner Coordinator Area 3 Planning Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910-3760

RE:

Preliminary Plan 120160160

Dowden's Station

Traffic Impact Study Review

Dear Mr. Axler:

We have completed our review of the Local Area Transportation Review study dated March 2, 2016, and prepared by Mr. Carl Wilson of The Traffic Group, Inc. Total concept development evaluated by the analysis includes:

- 21 single-family detached units
- 84 townhomes

We offer the following comments:

# Local Area Transportation Review (LATR)

- 1. We defer to the Maryland State Highway Administration for comments regarding state-maintained roadways, including North Frederick Road (MD 355).
- 2. The CLV values at the three intersections studied are less than the applicable congestion threshold standards. Therefore, we accept the consultant's conclusions.

# Pedestrian and Bicycle Impact Statement (PBIS) and Transit

1. The consultant provided a detailed evaluation of the pedestrian, bicycle and transit infrastructure for the studied intersections and roads. We accept the consultant's conclusions.

Mr. Ed Axler Dowden's Station April 11, 2016 Page 2

# Transportation Policy Area Review (TPAR)

1. The Transportation Policy Area Review test under the Subdivision Staging Policy must be satisfied by paying the "transportation impact tax' that equals 25% of the development impact tax for a site located in the Clarksburg Policy Area.

# **SUMMARY**

- 1. The findings of the LATR have been accepted.
- 2. The pedestrian, bicycle and transit infrastructure findings have been accepted.
- 3. The applicant will need to pay a transportation impact tax equal to 25% of the development impact tax.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Mr. Billy Whelan, our Development Review Engineer for this project, at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Gregory M. Leck, Manager Development Review Team Office of Transportation Policy

m:\correspondence\fy16\traffic\active\Dowden's Station 120160160 TIS review ltr.docx

Carl Wilson cc:

The Traffic Group, Inc.

Colleen Bowers

Macris, Hendricks & Glascock, P.A.

Jody Kline

Miller, Miller & Canby

Pranoy Choudhury

MSHA District 3

Preliminary Plan folder

Preliminary Plan letters notebook

cc-e: Fred Lees; MCDOT DTEO

Mark Terry; MCDOT DTEO

Bruce Mangum; MCDOT DTEO

Seifu Kerse; MCDOT DTEO

Billy Whelan; MCDOT OTP

# Appendix 4.f.



### FIRE MARSHAL COMMENTS

DATE: 12-May-16

Stephen Crum - scrum@mhgpa.com Macris, Hendricks & Glascock TO:

FROM: Marie LaBaw

Dowden's Station RE:

820160060

### PLAN APPROVED

1. Review based only upon information contained on the plan submitted 12-May-16. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.

2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

\*\*\* See Statement of Performance Based Design \*\*\*

# Macris, Hendricks and Glascock, P.A.

Engineers - Planners - Surveyors - Landscape Architects

9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279

Phone 301.670.0840 Fax 301.948.0693

www.mhgpa.com



May 10, 2016

Dr. S. Marie LaBaw, PhD, P.E. Montgomery County Department of Permitting Services 255 Rockville Pike Second Floor Rockville, MD 20850-0311

Re: Dowden's Station

Performance-based Design Review MHG Project No. 2012.185.13

Dear Dr. LaBaw:

Attached, please find a Fire Department Apparatus Access Plan for the subject project. On behalf of our Client, Clarksburg Mews, we are requesting an Alternative Application of Performance-based Design in accordance with Chapter 5 of NFPA 1, Uniform Fire Code for the following:

- A single fire department apparatus access road serving a new development
- 105 Dwelling units served by a single fire department apparatus access road

The subject project is in conformance with the Clarksburg Master Plan and offers a variety of dwelling unit types in support of the county-wide goal to provide dwelling units for families of various income levels. Although the Dowden's Station project is currently served by a single access road from MD 355, Frederick Road, the internal road network is well interconnected and provides fire department apparatus access to all units with acceptable turn-arounds. The dwelling units are clustered along two natural ridges avoiding the environmentally sensitive stream valleys and allowing for a rapid response time by emergency vehicles. The density of this development helps to support a "critical mass" of dwellings within a short distance of a proposed transit station to be located near the intersection of Shawnee Lane and Observation Drive. The Dowden's Station project is designed to allow for Street B to be extended to the south to Cool Brook Lane as these adjoining properties redevelop, ultimately providing the opportunity for a second fire department apparatus access road connecting to MD 355, Frederick Road.

Further, we are attaching a draft Fire Lane Order for the referenced project covering the streets for you review.

Dr. S. Marie LaBaw, PhD, P.E.

Dowden's Station

Re: Performance-based Design Review

May 10, 2016

Page 2

If you have any questions or comments, please don't hesitate to contact me.

05-10-16

**Professional Certification** 

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland.

License No. 16905, Expiration Date: 04/21/2018

Sincerely,

Stephen E. Crum, P.E. Vice President

# FIRE CODE ENFORCEMENT

# Fire Department Access Review

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

BY: 511

\_\_\_ FM:\_ 4/3

DATE.



### MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett
County Executive

Richard Bowers Fire Chief

| Date: | 5/10/16 |  |
|-------|---------|--|
|       |         |  |

### Fire Lane Establishment Order

Pursuant to Section 22-33, Montgomery County Code, 1971, as amended, you are hereby notified that a Fire Lane has been established as described in this order. You are hereby ordered to post fire lane signs and paint curbs/pavement as identified below. When signs or paint work has been completed, this order will authorize the enforcement of this Fire Lane by appropriate police or fire officials. Compliance with this order must be achieved within 30 days of receipt when any of the following conditions are met:

- · One or more structures addressed from the subject road are occupied;
- The road or accessway is available for use and at least one building permit for an address on the subject road has been issued; or
- The road or accessway is necessary fire department access.

| LOCATION:      | On Frederick Road, | 1,300 feet north of | Shawnee Lane |
|----------------|--------------------|---------------------|--------------|
|                |                    |                     |              |
| Clarksburg, MD | <u></u>            |                     |              |

Delineate all areas where indicated by signs and/or paint.

SIGNS -- (See attached diagram for location of sign placement)





(Red letters on white background)

Signs must be posted so that it is not possible to park a vehicle without being in sight of a sign. Signs may be no further apart than 100 feet.

□ PAINT -- (See attached diagram when painting is required)

Paint must be traffic yellow with lines of Sufficient width to be readily identifiable/ readable by motor vehicle operators.

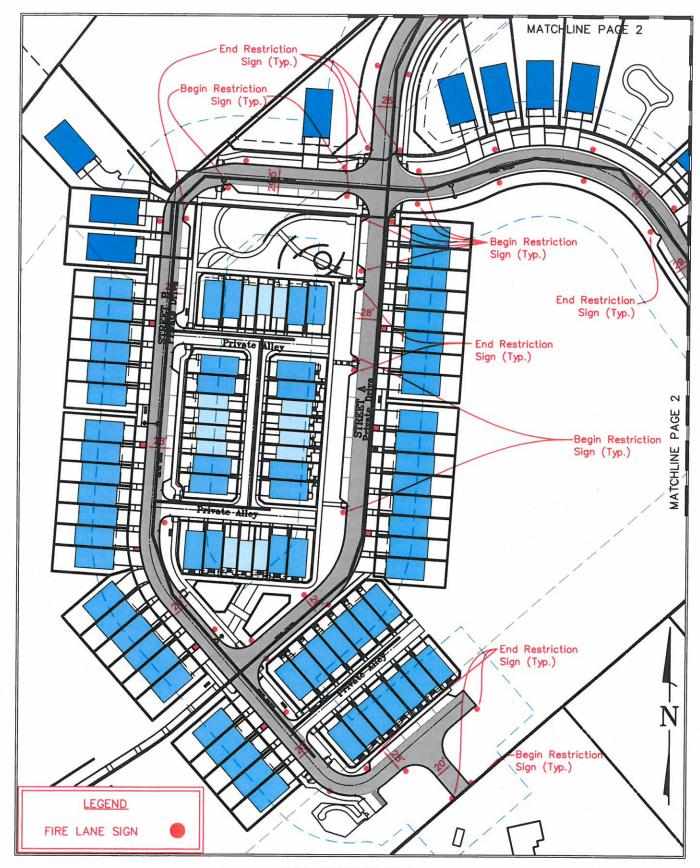
Signature of Order Writer/I.D. #

Cc: Fire Code Enforcement Section Attachment: Fire Lane Diagram

# FIRE LANE ESTABLISHMENT FORM

| BUILDING OR SUBDIVISION NAME: Dowde  | en's Station   |
|--|--|
| FIRE LANE LOCATION/ADDRESS: On   | Frederick Road, 1,300 feet north of Shawnee Lane           |
| Clark  | ssburg, MD   |
| See attached drawing for designated fire lanes:  |  |
| I have received the drawing and instructions for by state or local government.         | installing the designated fire lanes on property not owned |
| NAME AND TITLE OF PROPERTY REPRESE   | ENTATIVE   |
| NAME: Michael Fisher Josethan Les  | DATE: 5/10/16  |
| SIGNATURE:   | omners   |
| PHONE: (301) 652-4440  | DATE: 5/10/16  |
|  |  |
| ADDRESS (where processed order will be maile   | ed):   |
| 4938 Hampden Lane #330 Bethesda, MI  | D. 20814   |
|  |  |
| The designated fire lanes are the minimum neces Section 22-33 of the Fire Safety Code. | sary for fire/rescue access and are in accordance with     |
| NAME:  | SIGNATURE:   |
| STA.#: I.D.#:  | DATE:  |
| Comments:  |  |
|  |  |
|  |  |
| Fire Lane Installed Per Order  |  |
| NAME:  | DATE:  |
|  |  |

0092N/23



# FIRE SIGNAGE PLAN



MACris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors

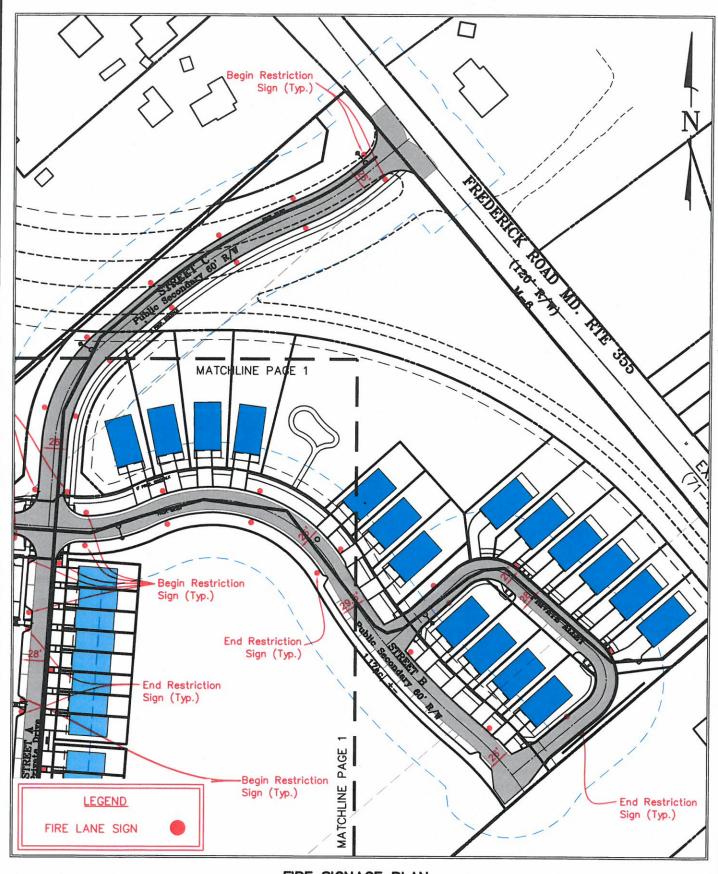
Phone 301.670.0840 Fax 301.948.0693 www.mhgpa.com

JOB NO. 2012.185.11

DOWDEN'S STATION ENLARGED LOT 22 & PART OF LOT 21

SCALE: 1"=100' DATE 04/28/16 MONTGOMERY COUNTY, MARYLAND

PAGE 1



# FIRE SIGNAGE PLAN



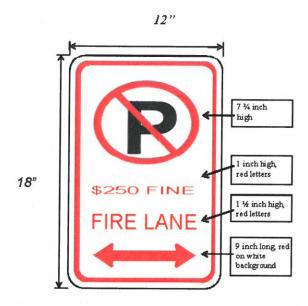
Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors

JOB NO. 2012.185.11

Phone 301.670.0840 Fax 301.948.0693 www.mhgpa.com

DOWDEN'S STATION ENLARGED LOT 22 & PART OF LOT 21 SCALE: 1"=100' DATE 04/28/16 MONTGOMERY COUNTY, MARYLAND

PAGE 2

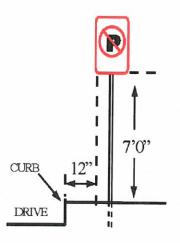






Either type may be used provided the same type is used consistently.





# FIRE SIGNAGE DETAILS



Macris, Hendricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors

9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279

Phone 301.670.0840 Fax 301.948.0693 www.mhgpa.com

DOWDEN'S STATION ENLARGED LOT 22 & PART OF LOT 21 SCALE: NTS DATE 04/28/16 MONTGOMERY COUNTY, MARYLAND

JOB NO. 2012.185.11

## Appendix 4.g.



### DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs

Director

May 13, 2016

Ms. Molline Jackson Mr. Ryan Sigworth Area 3 Division Montgomery County Planning Department 8787 Georgia Avenue Silver Spring, Maryland 20910

Re:

Dowden's Station

Preliminary Plan No. 120160160

Site Plan No. 820160060

Dear Ms. Jackson and Mr. Sigworth:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the applicant's revisions to the above referenced plans and recommends Approval of the plans.

Please note that in the MPDU Agreement to Build for this development, DHCA may require that use and occupancy certificates on some market units be held back until use and occupancy certificates for all MPDUs have been issued in order to ensure compliance with the MPDU phasing requirements of Chapter 25A of the County Code (Section 25A-5(i)).

Sincerely,

Lisa S. Schwartz

Senior Planning Specialist

cc: Colleen Bowers, Macris, Hendricks & Glascock, P.A.

S:\Files\FY2014\Housing\MPDU\Lisa Schwartz\Dowden's Station DHCA Letter 5-13-2016.doc

**Division of Housing** 

Affordable Housing Program FAX 240-777-3709 Multifamily Housing
Programs
FAX 240-777-3691

Landlord-Tenant Affairs FAX 240-777-3691 Licensing & Registration Unit 240-777-3666 FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-0311 • www.montgomerycountymd.gov/dhca



# Appendix 5 – Noise Study



Henning Associates, Inc. 1688 East Gude Drive, Suite 302 Rockville, Maryland 20850

CONSULTANTS ACOUSTICS NOISE CONTROL **VIBRATION AUDIOVISUAL DESIGN** 

Appendix 5.

# DOWDEN'S STATION CLARKSBURG, MARYLAND

MD Route 355 Traffic Noise Study

Gerald H. Henning President

June 22, 2016

The Dowden's Station project is located at the intersection of Cool Brook Lane and MD Route 355 in Clarksburg, Maryland. To meet Montgomery County zoning requirements, a Route 355 traffic noise study was performed for Lots 87-100 of the Dowden's Station project. The existing noise levels from Route 355 traffic were measured and extrapolated to projected noise levels using traffic data. The projected noise levels were compared to the Montgomery County outdoor zoning requirements. Provided herein are the noise measurement results, projected noise levels, evaluations, and conclusions. A noise reduction analysis of the exterior house construction will be performed after the houses are designed to demonstrate compliance with the Montgomery County indoor noise zoning requirements.

# ZONING REQUIREMENTS FOR ROADWAY NOISE

To comply with Montgomery County's zoning requirements, the roadway noise levels at the residences of Dowden's Station should not exceed a day-night average sound level of 60 dBA  $L_{dn}$  in the backyards and common outdoor activity areas and a day-night average sound level of 45 dBA  $L_{dn}$  inside the houses. If the exterior noise levels at the buildings exceed 60 dBA  $L_{dn}$ , a noise reduction analysis of the proposed exterior building construction with noise control measures where required must be performed to show that the interior noise levels will not exceed 45 dBA  $L_{dn}$ .

The day-night average sound level (dBA  $L_{dn}$ ) is an A-weighted 24-hour average level with the noise during the nighttime hours (10 p.m. - 7 a.m.) increased 10 dBA to account for increased sensitivity to noise during this time period. The A-weighted decibel (dBA) is a logarithmic unit of sound which simulates human hearing by rolling off the low and very high frequencies of sound.

To help relate the A-weighted decibel system to subjective perceptions, a sound level decreased by 10 dBA is perceived to be roughly one-half as loud. Conversely, a sound level increased by 10 dBA is perceived to be roughly twice as loud. A difference of 3 dBA is generally the minimum perceivable difference between sound levels. For reference, the level of normal speech is approximately 60 dBA 3 ft from the person speaking.

### **EXISTING NOISE LEVELS**

On May 24-25, 2016, a 24-hour noise measurement survey was conducted to determine the day-night average sound levels which impact the Dowden's Station project. The measurements were conducted during typical days of the week with wind below 15 mph and no rain. A Rion NL-31 Sound Level Meter was set up to monitor the roadway noise levels in 15-minute increments for a 24-hour period near the proposed house closest to Route 355 (see Figure 1). The microphone with a windscreen was positioned approximately 5 ft above the ground approximately 37 ft from the Route 355 pavement. The calibration of the instrument was verified before and after the measurements.

A day-night average sound level of 66 dBA  $L_{dn}$  was measured at the 24-hour measurement location. Based on this noise measurement, greater distance from Route 355, and some noise shielding provided by the proposed house, the day-night average sound level was determined to be 57 dBA  $L_{dn}$  at the backyard of the residence on Lot 94 which is closest to Route 355.

Based on noise measurements, existing day-night average sound levels were also determined at other locations. During some of the same measurement periods as the measurement periods used to determine the day-night average sound level at the 24-hour measurement position, Route 355 traffic noise levels were measured at other locations. These measurements indicated that the Route 355 traffic noise levels are about the same at the northern end of the property along Route 355 as they are at the southern end of the property where the 24-hour noise measurement was conducted. These measurements also indicated that the noise level at the proposed face of the house on Lot 94 at ground level (5 ft above the ground) was 4 dBA L<sub>dn</sub> lower than the 66 dBA L<sub>dn</sub> measured closer to Route 355. The measurements obtained 15 ft above the ground indicated that the noise level at the upper floor levels of this house face (which do not benefit from ground attenuation of the noise) were 1 dBA L<sub>dn</sub> lower than the 66 dBA L<sub>dn</sub> measured closer to Route 355. Therefore, on Lot 94 the existing day-night average sound levels at the proposed house face closest to Route 355 were determined to be 62 dBA L<sub>dn</sub> at ground level and 65 dBA L<sub>dn</sub> at the upper house floor levels.

### PROJECTED NOISE LEVELS

The existing Annual Average Daily Traffic (AADT) determined from the most current traffic count data was 10,950 vehicles. The traffic forecast available from the Maryland State Highway Administration was for the Year 2040. The Annual Average Daily Traffic projected for this year is 12,650 vehicles (see Appendix for traffic data). All other factors being proportionally the same, this increase in traffic volume results in a 0.6 dBA L<sub>dn</sub> increase in the traffic noise. With this projected increase in traffic noise, only the houses on Lots 94-99 are impacted by projected Route 355 traffic noise exceeding 60 dBA L<sub>dn</sub>.

The day-night average sound level at the backyard of the residence on Lot 94 closest to Route 355 is projected to be 58 dBA  $L_{dn}$  in the Year 2040 (see Figure 2). On Lot 94 the day-night average sound levels at the proposed house face closest to Route 355 are projected to be 63 dBA  $L_{dn}$  at ground level and 66 dBA  $L_{dn}$  at the upper house floor levels. On Lot 99 the day-night average sound levels at the proposed house face closest to Route 355 are projected to be 60 dBA  $L_{dn}$  at ground level and 63 dBA  $L_{dn}$  at the upper house floor levels.

Distance from Route 355 and noise shielding provided by the houses close to Route 355 to properties further away result in projected Route 355 traffic noise levels that do not exceed 60 dBA  $L_{dn}$  in the backyards and at the faces of the houses on Lots 87-93 and Lot 100. Also, the projected Route 355 traffic noise levels are below 60 dBA  $L_{dn}$  on the Multi-Age Playground.

### **EVALUATIONS AND CONCLUSIONS**

The day-night average sound levels at the backyards of the residences and on the Multi-Age Playground are projected to be no greater than the maximum permissible roadway noise level of  $60~dBA~L_{dn.}$  Therefore, the projected Route 355 traffic noise levels comply with the Montgomery County outdoor noise requirements.

The day-night average sound levels at the proposed house faces on Lots 94-99 along Route 355 are projected to be 60-63 dBA  $L_{dn}$  at ground level and 63-66 dBA  $L_{dn}$  at

the upper house floor levels. At these proposed house faces the noise levels at the upper floor levels and some of the noise levels at ground level exceed the maximum roadway noise level of 60 dBA  $L_{dn}$  permitted by Montgomery County at the exterior of a house without a noise reduction analysis of the house construction demonstrating compliance with the maximum permitted interior noise level of 45 dBA  $L_{dn}$ . The day-night average sound levels at the proposed house faces on Lots 87-93 and Lot 100 are projected to be no greater than 60 dBA  $L_{dn}$ .

The houses have not yet been designed for the Dowden's Station project. After the houses are designed, a noise reduction analysis of the exterior house construction will be performed, and if required, noise reduction measures will be developed to achieve interior noise levels that will not exceed 45 dBA L<sub>dn</sub>. However, routine building construction usually reduces roadway traffic noise around 65 dBA L<sub>dn</sub> to meet this interior noise level requirement.

DOWDEN'S STATION EXISTING NOISE LEVELS

DOWDEN'S STATION PROJECTED NOISE LEVELS

# APPENDIX MD ROUTE 355 TRAFFIC DATA

7

From: Scott Holcomb [mailto:sholcomb@sha.state.md.us]

Sent: Tuesday, May 24, 2016 3:52 PM To: 'ghenning@henningassociates.com'

Cc: Lisa Shemer; Rola Daher; Scott Holcomb; Subrat Mahapatra

Subject: RE: Traffic Forecast on MD Route 355 (DSED Job 16-05-048)

Gerald,

The following is the AADT that SHA has for 2015 and projected for 2040 for the section of MD 355 between Stringtown Road and Shawnee Lane, which includes the Cool Brook Lane intersection:

2015 AADT = 10,950

2040 AADT = 12,650

You can find traffic counts for state roadways on SHA's ITMS (Internet Traffic Monitoring System) website at the below address. You can search by route within each county. Please let me know if you need any help navigating through it. It should have both intersection counts and vehicle classification counts along MD 355 in this general area.

http://maps.roads.maryland.gov/itms\_public/

Thank you,

Scott

Scott Holcomb, P.E., PTOE

Consultant for the Maryland State Highway Administration

Data Services Engineering Division - Travel Forecasting and Analysis

Office of Planning and Preliminary Engineering

707 N. Calvert Street, C-503

Baltimore, MD 21202

Tel: 410-545-5647 (office)

www.roads.maryland.gov