



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 7
5/9/02



MEMORANDUM

DATE:
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief *JRD*
Development Review Division
FROM: Wynn E. Witthans, RLA, AICP *WW*
Planning Department Staff
(301) 495-4584

REVIEW TYPE: Site Plan Review
APPLYING FOR: Approval of 18,590 sf. of commercial office and 12,870 s.f. of commercial retail and 10 MPDU multifamily units
PROJECT NAME: **The Highlands**
CASE #: 8-02027
REVIEW BASIS: Sec. 59-D-3, M. C. Zoning Ordinance

ZONE: RMX-2
LOCATION: Southeast Quadrant of Stringtown Road and MD Route 355
MASTER PLAN: Clarksburg Master Plan, June 1994
APPLICANT: Brickley's Land Company, Mr. Henry Bowis
FILING DATE: 2/12/02
HEARING DATE: 5/9/02

STAFF RECOMMENDATION FOR SPECIAL PROTECTION AREA:

Staff recommends approval of the Final Water Quality Plan subject to the following conditions:

1. Conformance to the conditions as stated in the Department of Permitting Services letter dated April 1, 2002 (see attachment A).

STAFF RECOMMENDATION FOR SITE PLAN REVIEW: Approval of 18,590 s.f. of commercial office and 12,870 s.f. of commercial retail and 10 MPDU multifamily units on 3.2 acres with the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A.
2. The approval of this project includes a Planning Board waiver of following regulations: to allow the use of closed section streets within an SPA
3. Street trees species and spacing to conform to draft Clarksburg Streetscape study and the proposed lighting plan to conform to the IESNA guidelines and future street light plans for the Clarksburg planning area.
4. The HOA for the proposed MPDU's shall be to be tied to the future residential portion of Highlands at Clarksburg, combining the projects.
5. Staff shall review the dedication of the public building to community use. The Planning Board or appropriate designee shall oversee the future assignment of the building to the appropriate non-profit, community or other group.
6. The Site Plan Enforcement Agreement shall provide consent to the Historic Preservation Section, M-NCPPC to perform a Phase I Archaeological Investigation of the property prior to construction. The investigation shall not delay the Applicant's construction schedule. The Applicant shall co-operate with M-NCPPC archeological staff regarding any reasonable requests to remove any artifacts found during this survey for use in future public displays.
7. No building permits shall be released for the site until the applicant can verify provision of adequate Storm Water Management for the construction of Stringtown Road (per DPS memo of April 1, 2002), see attachment.
8. Landscape plan to include regularly spaced street tree on Public Street "D" and standard outdoor step dimensions to be used on outdoor steps subject to review of signature set.
9. Future review of Public Utility Plan to ensure preservation of planting areas required for landscape screening.
10. Conformance to DPS memo of May 3, 2002.

SPECIAL PROTECTION AREA DISCUSSION

DISCUSSION

The subject property is 56 acres located at the southeast quadrant of MD 355 and Stringtown Road. The proposed development is zoned RMX-2 and R- 200 and includes a commercial and residential component. The Final Water Quality Plan for this site comprises two site plans. The first is the 16-acre Clarksburg Highlands (8-02027) for the commercial component. The second site plan is the Highlands of Clarksburg (8-02022) the residential component, covers the remaining 40 acres on the site. The entire 56-acre tract is included in one preliminary plan (1-98009A) and is covered by one forest conservation plan. The area covered by this Final Water Quality Plan drains to the Town Center tributary of Little Seneca Creek, which is classified as a Use Class IV water. There are stream buffers within the project limits. The entire development is within the Clarksburg Special Protection area.

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

SITE PERFORMANCE GOALS

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

- Protect and maintain stream and aquatic habitat
- Maintain existing base flow by minimizing impervious area and providing infiltration structures if feasible.
- Protect seeps, springs, and wetlands.
- Minimize storm flow runoff and maintain stream channel geometry via the redundant stormwater management controls.
- Minimize increases in ambient water temperature by providing open section roads using an infiltration structure for groundwater recharge and provide shading for the proposed dry pond outfall
- Minimize sediment loading.
- Minimize the use of pesticides by requiring the Home Owners Association to adopt an Integrated Pest Management Plan to manage community lands.

STORMWATER MANAGEMENT

To help meet these performance goals, the stormwater management plan requires water quality control and quantity control to be provided through an extensive system of linked best management practices (BMPs). The water quality structures are sized to provide control for one and two year storms with pre-developed release rates.

SITE IMPERVIOUSNESS

There is no impervious limitation on this property. The impervious amount proposed for the entire 56-acre site is 26.9 percent. This is within the impervious for other R-200 developments in the County. It is also important to note that this impervious percentage includes the RMX – 2 commercial areas which are not included in the R-200 developments used to determine the percentage impervious range.

ENVIRONMENTAL GUIDELINES

The environmental guidelines for SPA's require examination of many tools to maximize achievement of site performance goals. For instance, the goal of protecting seeps, springs, and wetlands is better achieved with naturalized buffers surrounding these areas. The natural resource inventory for the 56-acre tract identified the environmental buffers. As part of the forest conservation plan for the Highlands of Clarksburg, the applicant will place forest conservation easements on the sensitive areas including streams, springs, seeps, wetlands, floodplains, associated buffers, and steep slopes.

ISSUES RESOLVED/IDENTIFIED DURING THE REVIEW PROCESS

Citizen issues

Throughout the review process, the Timber Creek Citizens Association and the Clarksburg Civic Association have expressed concerns over the proposed larger residential portion of the project, recently approved as a Project Plan and Preliminary Plan. To date their concerns are focused on: construction access through Timber Creek Lane during construction of the proposed housing; preservation or creation of a buffer between their neighborhood and the adjoining SWM facilities and provision of adequate views of the Greenway.

Staff has not learned of any direct citizens concerns about this proposed commercial portion of the project.

Historic Preservation

Historic Preservation staff has reviewed the architectural design of the small free standing building and the commercial building within this site plan. Additionally, they have been reviewed the relationship of the buildings to MD Route 355 with an eye toward getting the units to have a sympathetic relationship to the historic district immediately to the north across Stringtown Road.

The new shopping area has been designed with materials which are compatible with a rural historic district, including the use of standing seam metal roofing and stone foundation and ground floor level. The building heights have been kept relatively low, and are set back from the street's edge.

The small public building at the corner of Stringtown and Frederick Roads has been designed with a residential character. This complements the historic residence across the street, on the NE corner of the intersection and will assure that the historic district is not overwhelmed by the new commercial construction.

Opposite the site, across MD Route 355 is Dowden's Ordinary, a historic site that will be boundary of the Clarksburg Historic District and across Route 355. Dowden's Ordinary's history is rich in events in the French Indian war and served as a gathering place for the earliest citizens of Clarksburg. Clarksburg's historic origins reflect its role as a flourishing trading, transportation, and industrial center for Montgomery County. The Project Plan approval identified the need for a Phase I archeology survey prior to construction to look for artifacts.

PROJECT DESCRIPTION: Surrounding Vicinity

The Highlands at Clarksburg is a 16-acre site in Northern Montgomery County located on the southeast corner of the intersection of Frederick Road (MD Route 355) and Stringtown Road (Route A-260) across from the Clarksburg Historic District (zoned R-200) and the proposed Clarksburg Town Center Property (zoned RMX-2). Stringtown Road is scheduled for an upgrade to a 4 lane divided road, which will connect with I-270 about one mile to the west.

Adjoining the site to the south is farmland with wooded areas to the east; both areas are zoned R-200. In addition to its location to major thoroughfares and the town center, the site is located within five miles of Little Bennett Regional Park, Blackhill Regional Park, and Ovid Hazen Wells Park.

PROJECT DESCRIPTION: Site Description

The proposed site occupies the northwestern corner of the site that adjoins Stringtown Road and MD Route 355.

This portion of the site is used for fields and contains a very high amount of channery material primarily consisting of quartz along with some schist and phyllite. No massive rock outcrops were observed on-site. There are no springs, seeps, streams, or wetlands present on-site.

Site and Surrounding Area Map

PROJECT DESCRIPTION: Proposal

The commercial/residential portion of the project is planned to operate at three levels and within three buildings: the lower level is proposed retail at the street level of Stringtown Road; office/retail space will occupy the second level and the third level are the proposed MPDU condominiums. A fourth one-story freestanding community building is proposed at the intersection of MD 355 and Stringtown Road.

One of the proposed amenities associated with the commercial/residential portion of the site are the architectural details that resurrect a rural agricultural appearance. The surrounding pedestrian areas are proposed to include other open space amenities like a plaza and sitting areas. A circular terrace with stone paving provides for an open space sitting area and connects to walks and another patio as well. Benches are provided for sitting and a half pergola defines the outer edge of the terrace. Highly detailed wooden fences enclose the pedestrian areas and a gate provides for a connection to Stringtown Road. Proposed lights are historic in nature and add to the historic references of the outdoor environment.

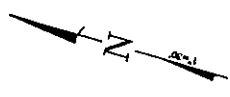
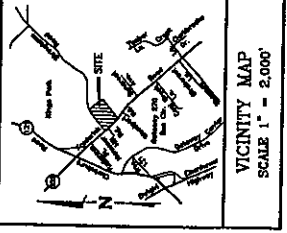
Walks connect through the open spaces to the stores and adjoining public sidewalks Stairs that connect to the upper levels of the building. A staircase and walk adjoin MD Route 355, it connects the to upper level as well.

Parking is provided on two levels. The lower level is accessed from Stringtown Road and the upper level is accessed from internal streets. Both levels adjoin the building with double rows of parking and they are connected to the site via adjacent sidewalks.

PRE-PRELIMINARY PLAN 7-86039
HISTORIC DISTRICT

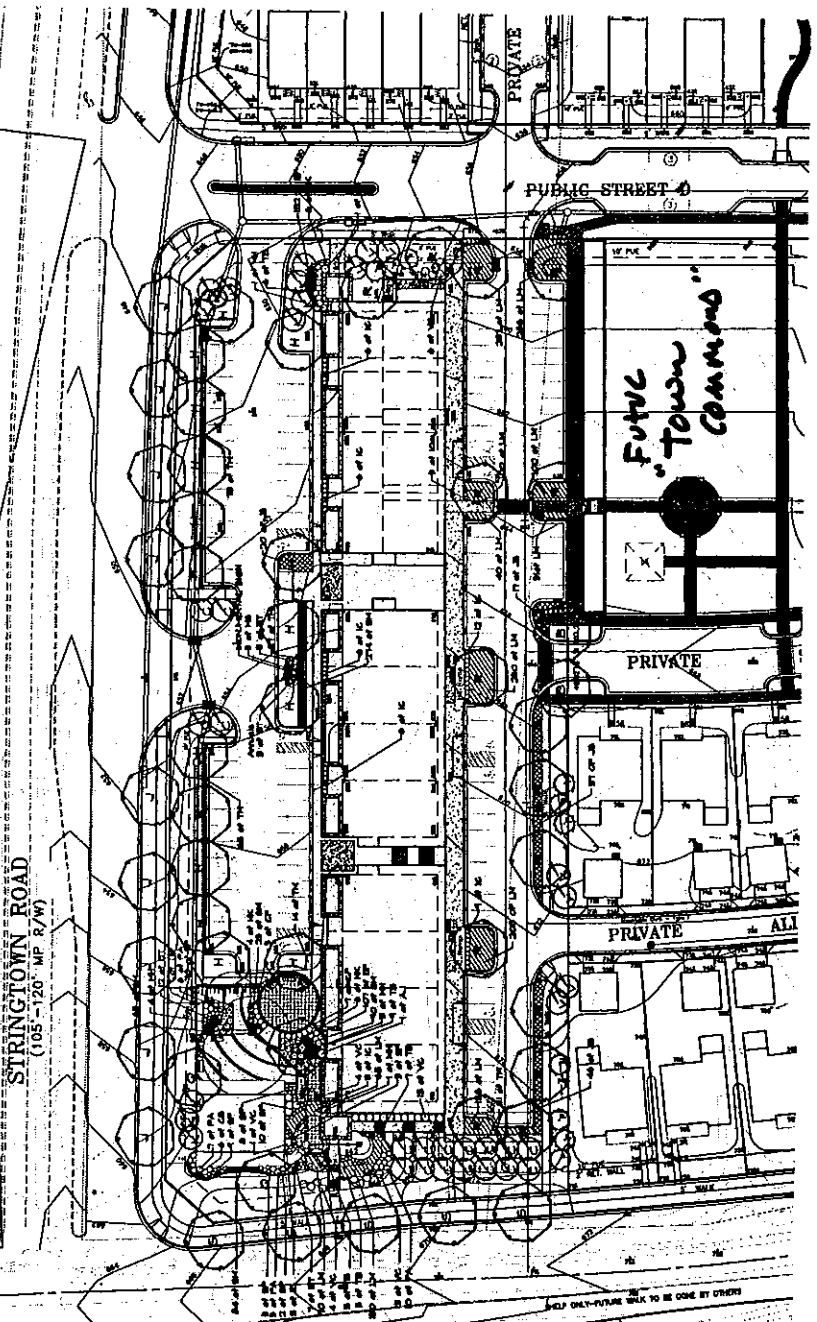
STRINGTOWN ROAD
 (105'-120" MP R/W)

FREDERICK ROAD MD ROUTE 355
 (50' R/W)



Future Residential Project

Future "Town Commons"



PREPARED FOR
 BRICKLEY'S LAND COMPANY
 974 Millwood Lane
 Great Falls, Va 22066
 PHONE: 703-757-2242
 FAX: 703-575-2243
 Mr. Henry Bowles, Pres.

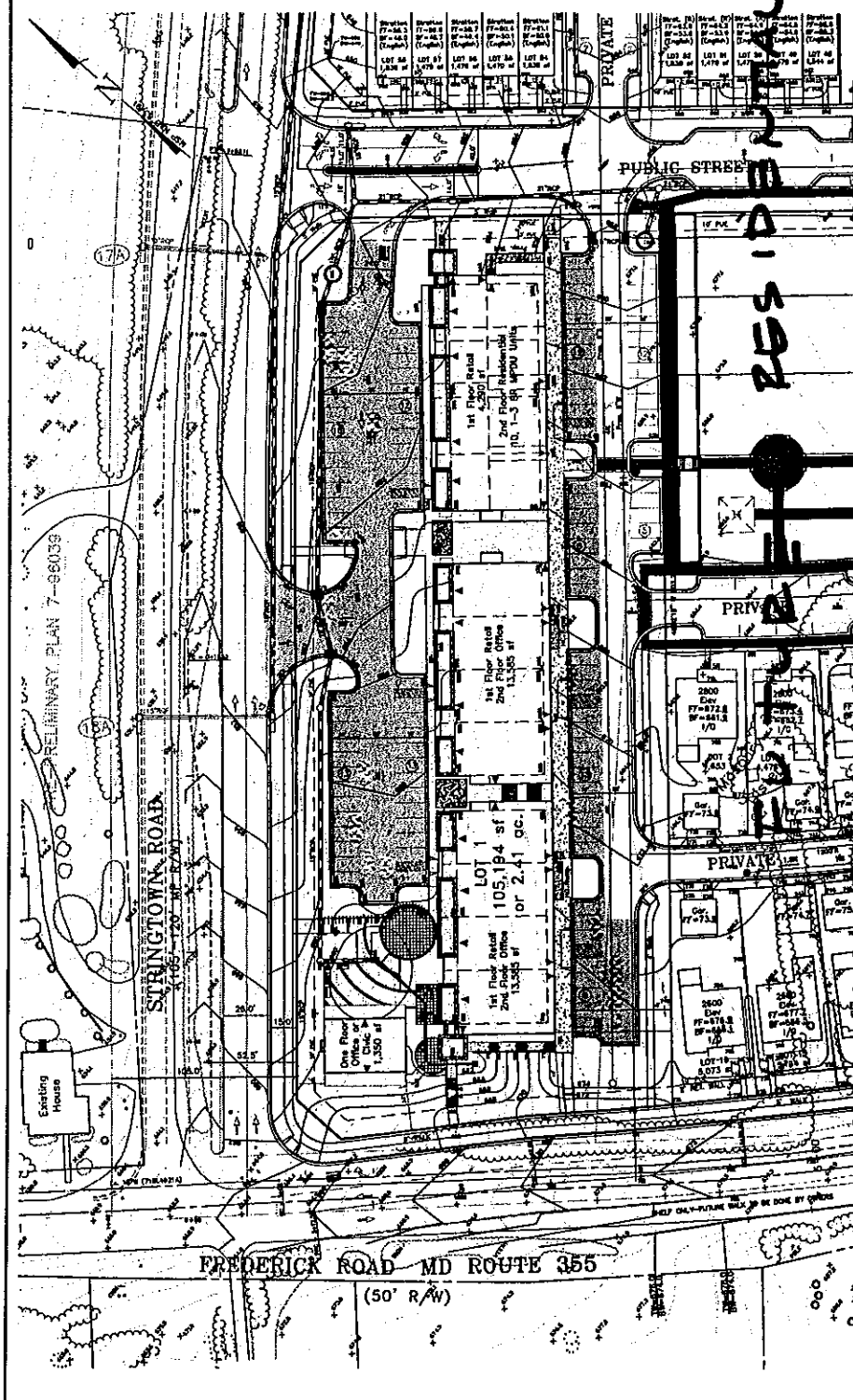
TAX MAP DW 241
 WDC 222 DW 13
LANDSCAPE PLAN LS-1

The Highlands
 Lot 1, Block A

2nd ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND
Macris, Hendricks & Glascock, P.A.
 Engineers • Planners • Surveyors
 (301) 975-0840 Suite 130
 P.O. Box 10000
 Rockville, MD 20858-1000
 FAX: (301) 975-0840
 www.mhpa.com
 05-30712 1 of 5

| NO. | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
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| | | | |
| | | | |
| | | | |





MEZZANINE

| | | | | | | | | | |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Mezzanine 1 | Mezzanine 2 | Mezzanine 3 | Mezzanine 4 | Mezzanine 5 | Mezzanine 6 | Mezzanine 7 | Mezzanine 8 | Mezzanine 9 | Mezzanine 10 |
| | | | | | | | | | |

FIRST STORY FLOOR PLANS

| | | | | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| 1st Floor Retail (13,305 sq ft) | 1st Floor Retail (13,305 sq ft) | 1st Floor Retail (13,305 sq ft) | 1st Floor Retail (13,305 sq ft) | 1st Floor Retail (13,305 sq ft) | 1st Floor Retail (13,305 sq ft) | 1st Floor Retail (13,305 sq ft) | 1st Floor Retail (13,305 sq ft) | 1st Floor Retail (13,305 sq ft) | 1st Floor Retail (13,305 sq ft) |
| | | | | | | | | | |

SECOND STORY FLOOR PLANS

| | | | | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| 2nd Floor Retail (13,305 sq ft) | 2nd Floor Retail (13,305 sq ft) | 2nd Floor Retail (13,305 sq ft) | 2nd Floor Retail (13,305 sq ft) | 2nd Floor Retail (13,305 sq ft) | 2nd Floor Retail (13,305 sq ft) | 2nd Floor Retail (13,305 sq ft) | 2nd Floor Retail (13,305 sq ft) | 2nd Floor Retail (13,305 sq ft) | 2nd Floor Retail (13,305 sq ft) |
| | | | | | | | | | |

THIRD STORY FLOOR PLANS

| | | | | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| 3rd Floor Office (13,305 sq ft) | 3rd Floor Office (13,305 sq ft) | 3rd Floor Office (13,305 sq ft) | 3rd Floor Office (13,305 sq ft) | 3rd Floor Office (13,305 sq ft) | 3rd Floor Office (13,305 sq ft) | 3rd Floor Office (13,305 sq ft) | 3rd Floor Office (13,305 sq ft) | 3rd Floor Office (13,305 sq ft) | 3rd Floor Office (13,305 sq ft) |
| | | | | | | | | | |

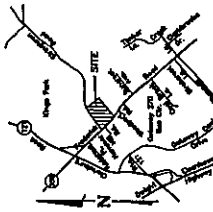
GRAPHIC SCALE
1 inch = 10 feet

PARKING SPACE REQUIREMENTS FOR MIXED USE COMMERCIAL

| TYPE | MINIMUM | MAXIMUM | REMARKS |
|-------------|---------|---------|---------|
| OFFICE | 1 | 1 | |
| RETAIL | 1 | 1 | |
| RESTAURANT | 1 | 1 | |
| RESIDENTIAL | 1 | 1 | |
| TOTAL | 1 | 1 | |

AREA TABULATION

| AREA | AREA (SQ FT) | PERCENTAGE |
|--------------------|--------------|------------|
| Building Footprint | 13,305 | 100% |
| Parking | 13,305 | 100% |
| Other | 13,305 | 100% |
| TOTAL | 40,015 | 100% |



VICINITY MAP
SCALE 1" = 2,000'

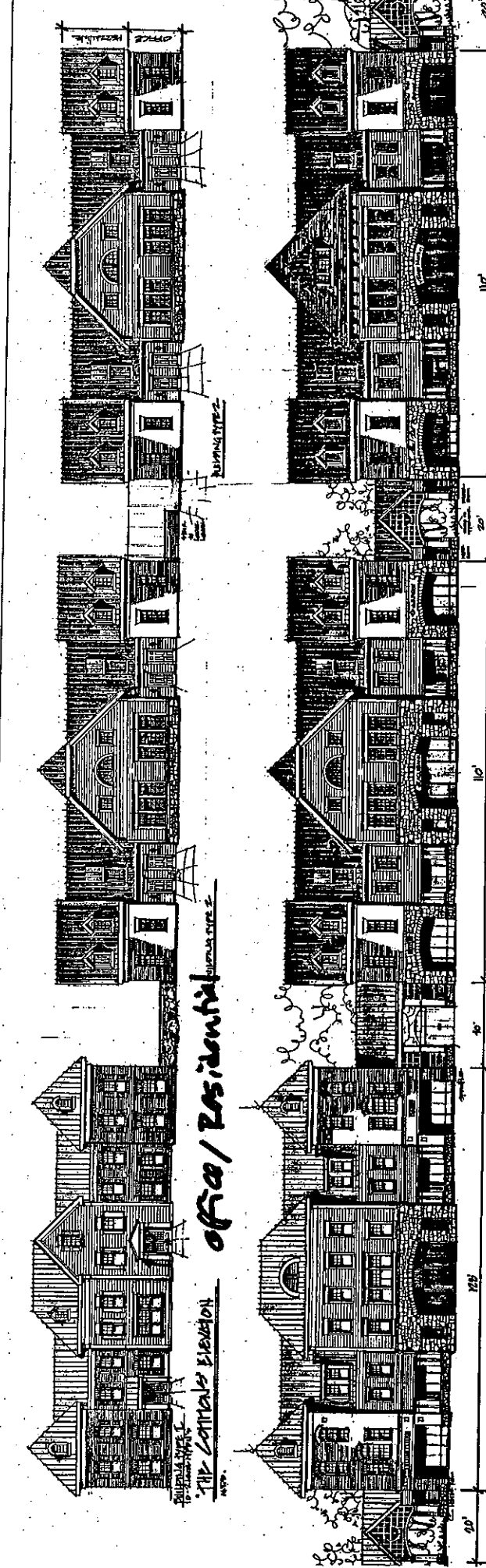
- DEVELOPMENT STANDARDS (MAC-2)**
1. The building shall be constructed in accordance with the provisions of the International Building Code, 2001 Edition, as amended.
2. The building shall be constructed in accordance with the provisions of the International Fire Code, 2001 Edition, as amended.
3. The building shall be constructed in accordance with the provisions of the International Mechanical Code, 2001 Edition, as amended.
4. The building shall be constructed in accordance with the provisions of the International Plumbing Code, 2001 Edition, as amended.
5. The building shall be constructed in accordance with the provisions of the International Electrical Code, 2001 Edition, as amended.
6. The building shall be constructed in accordance with the provisions of the International Energy Conservation Code, 2001 Edition, as amended.
7. The building shall be constructed in accordance with the provisions of the International Fire and Safety Code, 2001 Edition, as amended.
8. The building shall be constructed in accordance with the provisions of the International Fire and Safety Code, 2001 Edition, as amended.
9. The building shall be constructed in accordance with the provisions of the International Fire and Safety Code, 2001 Edition, as amended.
10. The building shall be constructed in accordance with the provisions of the International Fire and Safety Code, 2001 Edition, as amended.

SITE DEVELOPMENT PLAN
TAX MAP NO. 241
SECTION 208 13

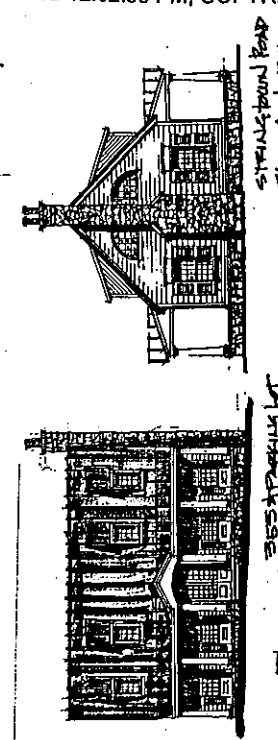
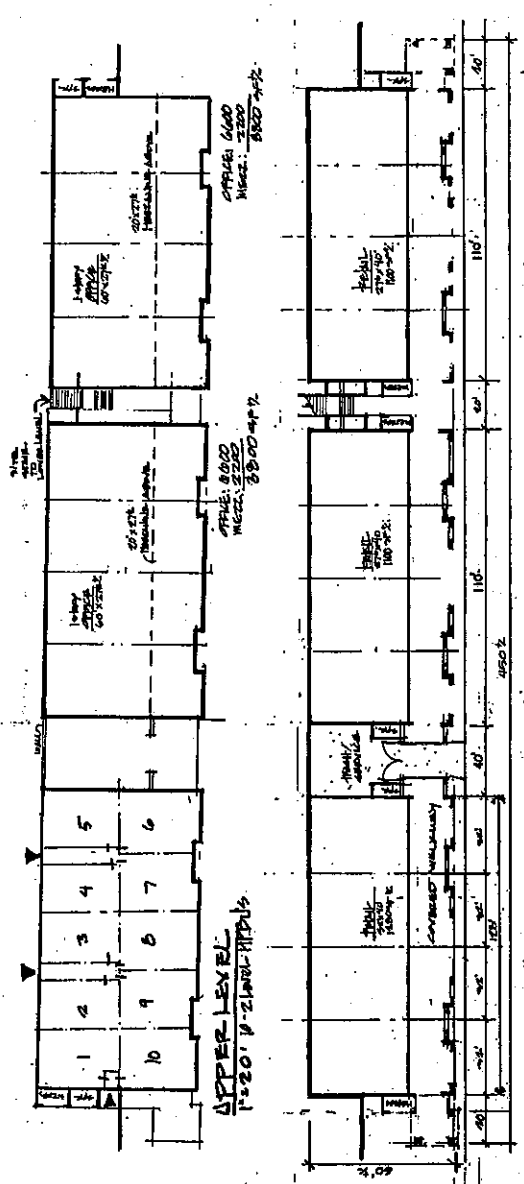
The Highlands
Lot 1, Block A
2nd ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

Macris, Hendricks & Glascock, P.A.
Engineers & Planners & Surveyors
9225 Springwood Road
Suite 100
P.O. Box 100
Pikesville, MD 21093
Tel: (410) 771-2222
Fax: (410) 771-2222
www.mhpa.com

DATE: 5/12/2002
BY: [Signature]



SPRINGTOWN ROAD ELEVATION - Retail / Office / Residential



Public Building

CONCEPT ELEVATIONS
BUILDING FOOTPRINT

| | |
|-----------|----------|
| DATE | 12/11/07 |
| DESIGNER | |
| ARCHITECT | 3/18/08 |
| CLIENT | 3/18/08 |
| PROJECT | |
| LOCATION | |
| SCALE | |
| BY | |
| CHECKED | |
| DATE | |

HIGHLANDS
Clare Kober G
CREASER/O'BRIEN ARCHITECTS

THE DESIGN
13,920 APPROX. FEET² TOTAL
17,600 APPROX. OFFICE FLOOR
3,680 APPROX. OFFICE AVAIL.

PROJECT DESCRIPTION: Prior Approvals

A Project Plan (#9-98001A) and Preliminary Plan (#1-989009A) were approved by the Planning Board on October 18, 2001 for this site. The earlier approvals included the entirety of the project. This approval seeks approval of the commercial/ residential section only. The remainder of the project will be brought before the Planning Board later. A summary of the conditions are as follows:

Project Plan #9-98001A

As addressed in the Site Plan

| | |
|---|---|
| 1. Development Ceiling : 18,590 sf office, 12,870 retail, 97 residential | 18,590 sf office, 12,870 retail, 10 residential (remainder of units in adjacent section) |
| 2. Transportation Improvements | Per approval with Prelim Plan |
| 3. Dedicate Stringtown Road | Per approval with Prelim Plan |
| 4. Construction of Improvements to MD Route 355 | Per approval with Prelim Plan |
| 5. Provision of Amenities and Facilities: Rural-Historic Architecture/The Commons/Commercial area Plaza/Site Features | Commercial Buildings reflect rural historic architecture/ Commercail area Plaza includes seating, paving, sidewalks, historically appropriate features and outdoor eating areas |
| 6. Staging of amenities | To be built in one phase with the buildings, to be complete prior to occupancy |
| 7. Maintenance | The maintenance for the commercial property to be joined or coordinated with the residential area |
| 8. Subdivision waivers granted: | N/A with this portion of project |
| 9. Reductions in setback | N/A with this portion of project |
| 10. Historic Preservation | MD Rte 355 frontage to include historically designed community and SPEA to allow for Phase I archeological survey |
| 11. Site Plan Issues: construction access; 355 frontage details; light standards; Maintenance organization; extra unit if access is different; 2 off-site mpdu's in non-project plan but common preliminary plan adjacent site. | The issues that apply to this site are MD 355 frontage details and street lights plan participation – they have been addressed in the site plan |

Conformance to Preliminary Plan conditions:

Preliminary Plan # 1-98009A

| | |
|--|---|
| 1. Development Limits | Site Plan Conforms |
| 2. Preliminary FCP | Site Plan Conforms |
| 3. Timber Creek Lane Construction Traffic Plan | To be resolved with residential site plan |
| 4. MD Route 355 access | To be resolved with residential site plan |
| 5. ROW constructed by applicant | Site Plan conforms |
| 6. ROW to conform to Master Plan | Site Plan conforms |
| 7. Record Plat to show FCP | To be resolved with residential site plan |
| 8. Full ded. On MD Route 355 | Site Plan conforms |
| 9. Comply with MCDPS SWM memo of 9/14/01 | Site Plan conforms |
| 10. Access per MDSHA | Site Plan conforms |
| 11. No clearing or grading prior to SP Review | Site Plan conforms |
| 12. Final # dwelling units, on-site pkg, site circ, sw and bike paths at site plan | Site Plan conforms |
| 13. Landscape and lighting plan | Site Plan conforms |
| 14. Record plat to list common ingree/egress | To be resolved with record plat |
| 15. Validation period – 36 months from 10/18/01 | Site Plan conforms |
| 16. AAPF validity 6 months from 10.18.01 | Site Plan conforms |
| 17. Necessary easements | To be resolved with record plat |

The site plan conforms to the Preliminary Plan.

ANALYSIS: Conformance to Master Plan

The proposed site plan conformance to the Clarksburg Master Plan has been detailed in the Project Plan approval. Conforming elements of the site plan are: Provision of a town scale of development, proximity to the proposed transit system, acceptance of percentage of attached units due to proximity to future transit station and the projects concept supports mixed uses in areas near future transit stations.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

| Development Standard | Permitted/ Required | Proposed |
|------------------------------------|--|--|
| Lot Area (ac.): | | 139,392 sf or 3.2 ac |
| Gross Floor Area (sq. ft.): | | Net 105,194 or 22.41 ac |
| Floor Area Ratio (FAR): | | 18,590 sf. of commercial office and 12,870 s.f. of commercial retail |
| Density (dwelling/acre): | 30/du/ac | N/a |
| Dwelling Units: | | |
| Multiple-family | 90 | 10 |
| TOTAL | | 10 |
| Moderately-priced DU's included | 0 | 10 |
| Green Space (%): | 15% for commercial 26% 28,000 sf 50% for res | 15,799 sf of gs |
| Building Coverage (%): | 25% | 26.1% |
| Impervious Area (%): | n/a | (77%) |
| Building Height (ft.): | 4 stories | 3 stories |
| Parking: | | |
| Total | 121 | 115 (utilizing mixed use calculations) |
| Standard Handicapped-accessible | 5 | 9 |
| Bicycle | 6 | 6 |
| Motorcycle | 3 | 3 |

MPDU CALCULATIONS:

MPDUs not required as the total number of units are under 50. The units provided here are a portion of the MPDU's required for the adjoining residential property.

RECREATION CALCULATIONS:

Not required with less than 25 units– however, these units will be counted within the total recreation requirement in the adjoining residential section. There are several recreation areas planned within close proximity to the residential units within the adjoining residential section. These areas include the Town commons, a large greens space park with playgrounds, formal sitting areas and open space play areas.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with approved project plan #9-98001A for the optional method of development.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. **Buildings**

The three retail, office and residential buildings are arranged with orientation to the surrounding streets and the small freestanding public building is located as a corner stone to the historic district. The buildings' locations provide optimum orientation and visibility to surrounding streets and to fit into the historic patterns established by existing buildings. The buildings also create adequate outdoor spaces for sitting areas and pedestrian connections.

b. **Open Spaces**

See Special Protection Area Discussion, above.

c. **Landscaping and Lighting**

Landscaping on the site consists of streetscape planting on the adjacent right-of-ways, internal shade trees and, a staircase surrounded by flowering trees and shrubs provide screening buffering and landscape interest. The landscaping will create comfortable places for pedestrians, provide attractive settings for the buildings and will buffer cars from the adjoining streets and parking areas.

The applicant proposes to prepare a lighting plan that is consistent with a lighting plan that will be consistent with a draft Clarksburg streetscape/lighting study and with IESNA guidelines to assure compatibility with adjoining development.

d. **Recreation**

Although recreation is not required by the provision of ten units, recreation will be available in the adjoining sections.

e. **Vehicular and Pedestrian Circulation**

The street connections to the site are in accordance with the approved Preliminary Plan, and the layout provides direct access to Stringtown Road and to internal streets for ease of local use.

Pedestrian paths are provided within the site and they connect to public sidewalks for complete integration into on and off site circulation systems. A Class II /bike paths is provided along MD 355.

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

The buildings are compatible with surrounding existing and proposed structures because of their scale and massing that is consistent with residential development. The use of the two and three story frontages to respond to the change in grade also reduce the impact of the building. Buffers are provided with hedges and fencing screening the project to adjoining streets and views.

The activity associated with the proposed mixed uses of retail, office and residential development will not cause any negative effect on adjoining recreational and residential uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

A final forest conservation plan has been prepared for the entire 56-acre tract. The undeveloped site includes 41.2 acres of forest and the applicant is proposing to remove 32.5 acres of forest. There is a planting requirement of 10.4 acres. The forest conservation shall be met by maximizing onsite retention and planting off-site with first priority within the Clarksburg SPA, Little Seneca watershed, or other SPA's. A five-year maintenance period for planted forest is required per the environmental guidelines.

APPENDIX

- A. Standard conditions dated October 10, 1995
- B. EPD memo of May 2, 2002
- C. DPS memo of April 1, 2002 for SPA FWQ Approval.
- D. Historic Preservation Memo 5/2/02
- E. DPS memo of May 3, 2002 for right-of-way and permitting office
- F. Opinion of Project Plan # 9-98001A

Project Plan and Preliminary Plan cases and opinions are available for public review in staff file.

Minutes from previous Project Plan hearing are available for public review in staff file.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

- 1. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and amenities must be completed prior to occupancy of each phase of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - 6) Coordination of each section of the development and roads.
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths or other features.
- 2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Limits of disturbance.
 - b. Methods and locations of tree protection.
 - c. Forest Conservation areas.
 - d. Relocation of stormwater facility outfalls from pond away from forest preservation or other environmentally sensitive areas.

- f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - g. The development program inspection schedule.
 - h. Conservation easement boundary.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
 4. No clearing or grading prior to M-NCPPC approval of signature set of plans.



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MEMORANDUM

TO: Wynn Witthans
Development Review

VIA: Steve Federline, Supervisor, Environmental Planning

FROM: Mark Pfefferle, Planning Coordinator *MP*

DATE: May 2, 2002

SUBJECT: Final Water Quality Plan for Highlands at Clarksburg

RECOMMENDATION

Staff recommends approval of the final water quality plan subject to the following conditions:

- Conformance to the conditions as stated in the Department of Permitting Services letter dated April 1, 2002 (see attachment A).

DISCUSSION

The subject property is 56 acres located at the southeast quadrant of MD 355 and Stringtown Road. The proposed development is zoned RMX-2 and R-200 and includes a commercial and residential component. The Final Water Quality Plan for this site comprises two site plans. The first is the 16-acre Clarksburg Highlands (8-02027) for the commercial component. The second site plan is the Highlands of Clarksburg (8-02022) the residential component, covers the remaining 40 acres on the site. The entire 56-acre tract is included in one preliminary plan (1-98009A) and is covered by one forest conservation plan. The area covered by this Final Water Quality Plan drains to the Town Center tributary of Little Seneca Creek, which is classified as a Use Class IV water. There are stream buffers within the project limits. The entire development is within the Clarksburg Special Protection area.

This review includes final water quality plans for both the Clarksburg Highlands and the Highlands and Clarksburg, which is required as part of the Special Protection Area regulations. Under the SPA law, Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of the water quality plan. MCDPS has reviewed and conditionally approved the elements of the final water quality plan under their purview. The Planning Board responsibility is to determine if the site imperviousness,

environmental guidelines for special protection areas, and forest conservation requirements have been satisfied.

SITE PERFORMANCE GOALS

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

- Protect and maintain stream and aquatic habitat
- Maintain existing base flow by minimizing impervious area and providing infiltration structures if feasible.
- Protect seeps, springs, and wetlands.
- Minimize storm flow runoff and maintain stream channel geometry via the redundant stormwater management controls.
- Minimize increases in ambient water temperature by providing open section roads using an infiltration structure for groundwater recharge and provide shading for the proposed dry pond outfall
- Minimize sediment loading.
- Minimize the use of pesticides by requiring the Home Owners Association to adopt an Integrated Pest Management Plan to manage community lands.

STORMWATER MANAGEMENT

To help meet these performance goals, the stormwater management plan requires water quality control and quantity control to be provided through an extensive system of linked best management practices (BMPs). The water quality structures are sized to provide control for one and two year storms with pre-developed release rates.

SITE IMPERVIOUSNESS

There is no impervious limitation on this property. The impervious amount proposed for the entire 56-acre site is 26.9 percent. This is within the impervious for other R-200 developments in the County. It is also important to note that this impervious percentage includes the RMX – 2 commercial areas which are not included in the R-200 developments used to determine the percentage impervious range.

ENVIRONMENTAL GUIDELINES

The environmental guidelines for SPA's require examination of many tools to maximize achievement of site performance goals. For instance, the goal of protecting seeps, springs, and wetlands is better achieved with naturalized buffers surrounding these areas. The natural resource inventory for the 56-acre tract identified the environmental buffers. As part of the forest conservation plan for the Highlands of Clarksburg, the applicant will place forest conservation easements on the sensitive areas including streams, springs, seeps, wetlands, floodplains, associated buffers, and steep slopes.

FOREST CONSERVATION

A final forest conservation plan has been prepared for the entire 56-acre tract. The undeveloped site includes 41.2 acres of forest and the applicant is proposing to remove 32.5 acres of forest. There is a planting requirement of 10.4 acres. The forest conservation shall be met by maximizing onsite retention and planting off-site with first priority within the Clarksburg SPA, Little Seneca watershed, or other SPA's. A five-year maintenance period for planted forest is required per the environmental guidelines.

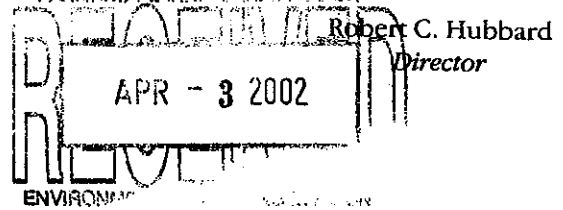
Attachment A



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

April 1, 2002



Mr. Steven L. Wilde
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886

Re: **Final Water Quality Plan** for Highlands at
Clarksburg
Preliminary Plan #: 1-98009A
SM File #: 204621
Tract Size/Zone: 56 Ac/RMX-2 & R-200
Tax Plate: EW 341
Montg. Co. Grid: 9D4 & E5
Watershed: Little Seneca Creek

SPECIAL PROTECTION AREA

Dear Mr. Wilde:

Based on a review by the Department of Permitting Services Review Staff, the Final Water Quality Plan (FWQP) for the above mentioned site is conditionally approved.

Site Description: The site consists of 56 acres located at the southeast corner of the intersection of Stringtown Road and MD Route 355. The proposed development is zoned RMX-2/R-200 and will consist of commercial and office uses along with single family and townhouse residential lots. The property is located within the Clarksburg Special Protection Area (SPA).

Stormwater Management: Water quantity control will be provided via on-site dry ponds. The two main ponds (SWM # 1 and # 3) will provide control of the one-year and two-year storm with a predeveloped release rate. Quantity control will also be provided in three combined quantity/quality control structures (SWM # 4, # 5 and # 6) for the one-year storm. Quality control will be provided on-site via an extensive system of linked BMPs. The system will consist of recharge/infiltration trenches (if feasible), and surface sand filters for primary treatment. Water quality inlets and vegetated swales/buffers will be used for pretreatment of vehicular use areas. The water quality structures will be sized to provide one-inch of treatment for their contributing impervious drainage areas.

Sediment Control: Redundant sediment controls are required. Sediment traps with forebays or upland sediment traps coupled with secondary sediment traps are to be used for redundant sediment control treatment. All sediment trapping structures are to be equipped with dewatering devices. The following features are to be incorporated into the detailed sediment control plan:

1. The earth dikes that feed the sediment traps are to be constructed using trapezoidal channels to reduce flow rates.



2. The site grading shall be phased to limit disturbance with immediate stabilization emphasized. A phasing sequence is to be submitted with the initial submittal of the sediment control plan.
3. Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance.
4. Minimize the drainage area to the proposed trap at the end of Timber Creek Lane (trap #2) until the storm drain system is in place and functioning. The outfall of trap #2 must be a minimum of 20 feet from the property adjacent property line. Additional measures, such as increasing the trap and forebay storage area, will be considered at the detailed plan review stage due to concerns with the traps outflow impacting downstream properties.

Performance Goals: The following is the list of performance goals that were established at the pre-application meeting:

1. Protect and maintain stream and aquatic habitat.
2. Maintain base flow by minimizing impervious area and providing infiltration structures if infiltration is found to be feasible.
3. Protect seeps, springs and wetlands.
4. Minimize storm flow runoff and maintain stream channel geometry via the redundant stormwater management controls.
5. Minimize increases to ambient water temperature by providing open section roads, using an infiltration structure for groundwater recharge, and by providing shading for the proposed dry pond outfall.
6. Minimize sediment loading by providing redundant sediment controls.
7. Minimize the use of insecticides and fertilizers via an Integrated Pest Management Plan as part of the Homeowners Association (HOA) documents. A draft of this plan/document is to be submitted at the detailed sediment control plan stage, and the final document is to be submitted prior to bond release.

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS and those responsible for conducting the monitoring to establish the monitoring parameters. The following is a list of the monitoring requirements for this development:

1. Water temperature will be monitored above and below the proposed outfall of Pond #3.
2. Total suspended solids are to be sampled at the sediment trap/basin with the largest drainage area that will remain throughout the construction phase.
3. Photographic monitoring will be done between the outfall of Pond #3 and the receiving stream
4. A stream channel embeddedness station is to be established downstream of the outfall for Pond #3.

5. Chemical and nutrient monitoring will be done on one linked BMP system.
6. Five groundwater monitoring wells are to be installed on the property.

Monitoring as specified in items 1 (one temperature station), 3, 4 and 6 are to begin one year prior to the start of construction. **This pre-construction monitoring must be completed prior to the issuance of a sediment control permit.** All of the monitoring requirements are to last through the construction phase of the development, and for three years after construction is complete (five years for the groundwater wells). See the DEP attachment to the Final Water Quality Plan, Description of Monitoring Requirements, for further details.

Conditions of Approval: The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the review:

1. Stormwater management (SWM) must be provided for any new construction of Stringtown Road. The FWQP states that the developers of Clarksbug Town Center have agreed to treat the Stringtown Road improvements as well as a portion of site area (approximately 1.75 acres) in facilities on their site. Verification of this agreement must be provided along with the time frame for the proposed facility construction. Also, provide documentation that there is sufficient area on Clarksbug Town Center to control the off-site runoff.
2. Provide a formal dam breach analysis for Pond #1 (application, computations and fee). Also, if there is to be an emergency spillway, you must show the 100-year overflow flow path delineation.
3. Provide safe conveyance of all runoff to the proposed stormwater management structures. It appears that storm drain inlets will be needed between lots 9 and 10 on street "B" and to pick up the drainage from the backs of lot 1 through 7 on Timber Creek Lane.
4. Address stormwater management for the uncontrolled lots on Timber Creek Lane (lots 2, 3 and parts of lots 4 and 5) due to potential impacts on downstream properties. It appears that dry wells may be feasible for these lots.
5. Since infiltration is not feasible, the surface sand filters are to be designed with a minimum of one foot of stone (dead storage) below the outlet pipe to provide groundwater recharge.
6. Show maintenance access easement for SWM structure #6.
7. Provide a rip-rap plunge pool (8 to 12 inches deep) at the outfall of Pond #3 to dissipate flow velocity.
8. All impervious areas not draining to the SWM structures must be compensated for in the quantity control ponds.

This letter must appear on the original sediment control/stormwater management plan at its initial submittal. 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.

Steven L. Wilde
April 1, 2002
Page 4

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

Sincerely,



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

RRB:enm:CN204621

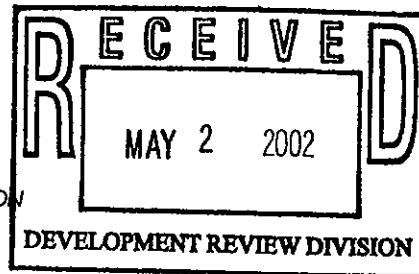
Attachment

cc: W. Witthans
S. Federline
M. Pfefferle
L. Galanko
D. Marshall

Qn on-site; Acres 56
Ql on-site; Acres 56





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
May 2, 2002



MEMORANDUM

TO: Montgomery County Planning Board

VIA:  Gwen Wright, Supervisor
Historic Preservation Section, Community-Wide Planning

FROM:  Robin D. Ziek, Planner
Historic Preservation Section, Community-Wide Planning

SUBJECT: Highlands at Clarksburg – commercial development at Stringtown Rd & 355

RECOMMENDATION

Support the proposal.

INTRODUCTION

Historic Preservation Staff has been working with the applicant to develop a design that will be compatible with the Clarksburg Historic District which runs along either side of Frederick Road north of Stringtown Road. The new shopping area has been designed with materials which are compatible with a rural historic district, including the use of standing seam metal roofing, and stone at the foundation and ground floor level. The building heights have been kept relatively low, and are set back from the street's edge.

The small public building at the corner of Stringtown and Frederick Roads has been designed with a residential character. This complements the historic residence across the street, on the NE corner of the intersection, and will assure that the historic district is not overwhelmed by the new commercial construction.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

May 3, 2002

TO: Wynn Witthans
Development Review Division - MNCPPC

FROM: Sarah R. Navid *S. Navid*
Right-of-Way Permitting and Plan Review Section

SUBJECT: Site Plan Review #8-02027- Highlands at Clarksburg

We have reviewed the subject site plan and have the following comments:

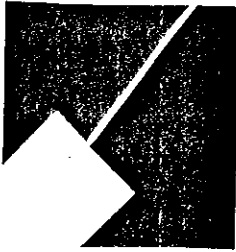
- The access points proposed are acceptable for location and basic design. We anticipate that any large trucks will use the access from Stringtown Road. The access points along Public Street D will accommodate single unit trucks.
- The median on Public Street D should be extended southward to Private Street AA and should be designed with mountable curb.
- The sidewalk on Public Street D may extend into a PIE, but the pedestrian crossings and curb ramps at the driveways should remain parallel and as close to the street as possible at the northern driveway. The curb ramps at the southern driveway should be designed to provide for crossing to Street AA.
- We anticipate that the waiver for using a closed section street design will be approved with the overall residential site plan.

We appreciate the opportunity to comment on this plan.

srn\highlandcommercial.doc

cc: Bob Larkin
Mike Watkins
Jeff Riese





MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: November 30, 2001
PROJECT PLAN REVIEW #: 9-98001A
PROJECT NAME: Highlands of Clarksburg

Action: Approval subject to conditions. Motion was made by Commissioner Wellington, seconded by Commissioner Robinson, with a vote of 3-0, Commissioners Perdue, Robinson, and Wellington voting for. Commissioners Bryant and Holmes were necessarily absent.

The date of this written opinion is November 30, 2001 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before December 29, 2001 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until December 29, 2003 as provided in Section 59-D-2.7.

On October 18, 2001 Project Plan Review #9-98001A hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

- (a) *As conditioned, the proposal complies with all of the intents and requirements of the one.*

The intent of the RMX-2 Zone

- (1) *This optional method of development accommodates mixed-use development comprised of planned retail centers and residential uses at appropriate locations in the County. This means of development is a means to encourage development in accordance with the recommendations and guidelines of approved and adopted master plans.*

This development meets the intent of the zone to by presenting a mixture of retail, office, and residential uses at the intersection of Stringtown Road and MD 355, within an intensity that is in accordance with the approved Clarksburg Master Plan. The proposed development for Highlands at Clarksburg conforms to this finding.

- (2) *Approval of this optional method of development is dependent upon the provision of certain public facilities and amenities by the developer. The requirement for public facilities and amenities is essential to support the mixture of uses at the increased densities of development allowed in this zone.*

This development proposes public facilities and amenities. The amenities, as listed above, provide a commons, a mixed-use center that includes architecture with a rural theme that creates an appropriate gateway to the Clarksburg Historic District and site elements that have historical themes.

Conformance to the development standards of the RMX-2 Zone.

The proposed project plan for Highlands at Clarksburg is in conformance with the standards of the RMX-2 Zone. The development standards are found both in the Zoning Ordinance and the Clarksburg Master Plan, 1994.

DEVELOPMENT DATA TABLE FOR THE RMX-2 ZONE

| | <u>Required/Permitted</u> | <u>Provided¹</u> |
|--|---|---|
| Gross tract area 16.1 acres – 1 acre dedicated to public use = 15.1 acres net tract area | | |
| Offices (59-C-10.3.2): | | |
| - Professional, and Business: | 20,000 s.f. max. | 0 s.f. |
| - General: | 20,000 s.f. max. | 18,590 s.f. |
| Retail | | |
| - Lower Floor | | 12,870 s.f. |
| Green Area or Outside Amenity Area (59-C-10.3.3): | | |
| - (a) w/in commercial portion | | |
| (2.718 ac.): | 15% min. | (Earlier approval 49%) 54,012 sf or 48% |
| - (b) w/in residential portion | | |
| (12.155 ac.): | 50% min. | (Earlier approval 70%) 327,064 sf or 60% |
| Commercial Density (59-C-10.3.4): | 0.5 FAR max. | 0.23 FAR (31,460 s.f. GFA) |
| Gross Leasable Area (59-C-10.3.5): | 600,000 s.f. max. | 31,460 s.f. |
| Number of Dwelling Units (59-C-10.3.6): | NA min. (<30 ac.) | (Earlier Approval 75 d.u.'s) 95 du's |
| Residential Density (59-C-10.3.7): | 30 d.u./ac. max.(Code) 5 to 7 d.u./ac. (M.P.) ² | (Earlier Approval 5.8 d.u./ac.) 6.0 du's |
| Building Setbacks (59-C-10.3.8): | | |
| - from adj. R-200 properties: | | |
| Commercial buildings: | 100 ft. min. ⁴ | 100 ft. |
| Residential buildings: | 30 and 100 ft. min. ⁴ | 15-50 ft. |
| - from Frederick & Stringtown Roads: | | |
| Commercial buildings: | 0 ft. min. (Code) 0 ft. min. (M.P.) | 25 ft. |
| Residential buildings: | 0 ft. min. (Code) 0 ft. min. (M.P.) | 20 ft. |

¹ Amounts indicated as provided reflect the development as graphically shown on the Preliminary Subdivision Plan and Project Plan. Final amounts will be determined at Site Plan (59-D-3) not to exceed the amounts required/permitted.

² The abbreviation M.P. refers to standards recommended in the 1994 Clarksburg Master Plan

³ Excluding MPDU's

The Planning Board may reduce the minimum setbacks shown above to no greater than 50 percent, upon a finding that trees or other features on the site permit a lesser setback without adversely affecting development on an abutting property.

The project is seeking two reductions in the minimum setback adjoining R-200 one-family residential zoning. One area is to the south, reducing the setback from one hundred feet to fifty feet for a portion of the boundary. This only affects a rear yard and not actually units. This reduction would allow for flexibility in the final siting of the units on that lot and is acceptable. The units are setback approximately 100 feet. The second area for setback reduction is along the eastern property line to reduce the setback from thirty feet to fifteen feet next to a street on the adjoining property - one that will be joined with this project in the plan of subdivision and a later site plan. Staff recommends that the Planning Board allow these setback reductions to provide for optimal on site development and a more desirable relationship to the adjoining development.

The property conforms to the optional method of development for the RMX-2 zone.

- (b) *It would conform to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.*

Master Plan Policy Statement

Town Scale of Development – *“This plan envisions Clarksburg as a town at a larger scale than proposed in the 1968 Clarksburg Master Plan but smaller than a corridor city such as Germantown.”*

The proposed Project Plan achieves a town scale of development by providing a mixed use development with 32,460 sf. of commercial uses and 95 residential units including MPDU's. The overall residential density for the project is 6.0 units per acre. The Master Plan recommends a residential density of 5 – 7 units per acre. The proposed range in unit types, 21 sf detached (22 possible), 20 apartments, and 53 townhouses, will assure a mix of households and incomes.

Natural Environment – *“This plan recommends that Clarksburg's natural features, particularly stream valleys, be protected and recommends that Ten Mile Creek and Little Seneca Creek be afforded special protection as development proceeds”.*

No stream valleys, springs or wetlands are found within the subject property of the Project Plan. However, the site is included in the Special Protection Area and will be providing additional water quality measures in conformance to the guidelines. At the time of site plan review, extensive landscaping of the stormwater management facilities should be provided in order to create an attractive open space within the community.

Greenway Network – *“This plan recommends a multi-purpose greenway system along stream valleys.”*

The subject site does not directly abut the Clarksburg Greenway. However, a series of bikeways and sidewalks are proposed that provide access to the Greenway and thus improve connectivity to the Greenway Trail that is located just to the east of the Project Plan site. A Class III bikeway will be provided within the ROW of Frederick Road along this eastern side.

Transit System – *“This plan proposes a comprehensive transit system that will reduce dependence on the automobile.”*

The Master Plan identifies bus routes along Stringtown Road and Frederick Road which will serve the subject site. Access to these future bus routes will be accommodated by proposed sidewalks internal to the development. The subject site is also within walking distance to the future Town Center Transitway Station located to the east of Frederick Road.

Hierarchy of Roads & Streets – *“This plan proposes a street network which clearly differentiates between highways needed to accommodate regional through traffic and roads which provide sub-regional and local access.”*

The subject site is bordered by Stringtown Road, an arterial that accommodates both regional and local traffic, and by Frederick Road, which is classified by the Master Plan as a local business district street. On site, the project plan achieves a hierarchy of streets through a variety of local residential streets to accommodate traffic circulation. Most importantly, the street layout provides a connection to the Town Center via Street C and a direct entrance into the community via Frederick Road.

Transit and Pedestrian-Oriented Neighborhoods – *“ This plan clusters development into a series of transit and pedestrian oriented neighborhoods.”*

The project locates a mixed of commercial and multifamily uses at the northwest corner of the site thus clustering the most intensely developed portion of the site towards the future transit station and the Historic District. The proximity and density of the residential portion of the site also supports the transit and pedestrian-orientation by facing residential units along Frederick and Stringtown Road. This establishes the traditional town-planning pattern as seen from the surrounding roadways. Internally, the proposed layout also establishes a grid of interconnected streets lined with front facing units, street trees and sidewalks. The central open space is highly visible, forms a town commons and is sufficiently large enough to accommodate recreational activities and community gathering. Other open space is provided as town house courtyards in the front of units. The location and size of the open space will encourage pedestrian access and social gathering.

Employment – *“Additional limited employment uses re recommended at transit stops, at the town center and in neighborhoods as part of a mixed-use land use pattern...”*

The project plan includes 31,460 sf of office and retail uses within walking distance to the future transit station and the town center. Such uses will also provide convenient services to residents within the general vicinity.

Staging – *“This plan recommends that development be staged to address fiscal concerns and to be responsive to community building and environmental protection objectives.”*

The subject site falls within Stage 2 of the Clarksburg Master Plan. Public sewer and water will serve the proposed project.

Master Plan Land Use Recommendations-

The Transit Corridor District recommends a density of 5 –7 units per acre with a range of unit types as follows:

| | |
|--------------|----------|
| Multi-family | 10 – 20% |
| SF attached | 30 - 40% |
| SF Detached | 50 – 50% |

The proposal contains a higher percentage of attached units than the general guidelines of the master plan. Given the strategic location of the site, close to transit and the town center, a higher percentage of attached units can be considered appropriate. The proposed density range is consistent with the previously approved project plan.

Other plan objectives that are relevant to the subject site:

1. Continuation of the residential character along Frederick Road, MD 355.
2. Encourage mixed-use development near transit stops as an integrated use within residential neighborhoods.
3. Establish strong pedestrian and bicycle linkages to the Greenway.
4. Improve east-west roadway connections.
5. Provide an open space system that includes small civic spaces at transit stops.

The proposed project plan meets the land use objectives in the following ways:

1. Residential character along Frederick Road is established by proposing front facing residential lots along the roadway.
2. Mixed uses are provided within mixed-use buildings, apartments over retail. These uses will provide convenient services to the greater community.
3. Pedestrian and bicycle linkages to the Greenway are provided via the network of connecting sidewalks and adjacent bikeways.
4. East-west roadway connections are provided by the Street C, creating a street connection from Frederick Road to the Greenway Road within the Town Center. This is an important connection for the existing community improving the circulation options for getting in and out of their community.
5. Open space is provided internally in a manner that strengthens a sense of community by its central location. Additional pedestrian space is provided at the corner of Stringtown Road and Frederick Road where there will be future bus stops.

Historic Preservation Issues

This project is adjacent to the Clarksburg Historic District, *Master Plan Site # 13/10*. It lies across Frederick Road from the Dowden's Ordinary Site, *Locational Atlas Resource #13/53*.

The proposal includes the construction of a retaining wall on Frederick Road in front of the site of Dowden's Ordinary. A bronze marker, set in stone by the DAR ca. 1915, marks the east edge of the archaeological site. The retaining wall location, east of this marker, will protect the site of the 18th century tavern against erosion.

Dowden's Ordinary is an important archaeological site in the county. The roadside inn provided hospitality services for many people important in local and national history. Andrew Jackson stayed here on his journey to Washington to take the oath of office as the next president. General Braddock stayed here with his troops during the French & Indian War in the 1750s.

Frederick Road was the major north-south route for many centuries, having developed from a well-known Indian trail.

A Phase I Archaeological Investigation of the property prior to construction of the proposed development is required. There is a high potential that his troops camped on the east side across the road, and any artifacts that are found on the land may become the property of M-NCPPC for likely use in future public displays.

- c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The size, density and design of the project create a project that blends into the existing town center and the proposed new developments within Clarksburg. The traditional and neo-traditional town planning of this and the other projects will be sympathetic to each other in appearance and in density. The two and three story commercial/residential buildings at the corner of Stringtown Road and MD Route 355 create a focal point for the site and create an entrance into the Historic District. Their size and mass are compatible with existing and proposed development. The reduced setbacks will allow the project to blend in with adjoining development seamlessly. The operations of the site will allow buildings on site to be serviced via direct vehicular or pedestrian access.

Each commercial/retail or residential component will be built concurrently with the adjacent or related amenity area. The amenities around the commercial /retail area will be built with those buildings; and related residentially used amenities will be phased to coincide completion of the residential areas. The Commons will be constructed by the time 50% of the residential units are completed. The roads, sidewalks, stormwater management facilities will be built to adequately serve each phase.

- (d) *It would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

1. Transportation

The project has been reviewed for adequate public facilities (APF) review of the subject preliminary plan and project plan under the Alternative Review Procedure for Expedited Development Approval (EDA) for the commercial component and Development Approval Payment (DAP) procedure for the residential component since the site is located in a policy area that is in a moratorium. The subject site has an approved project plan and preliminary plan for 18,590 square feet of office space and 12,870 square feet of retail space (under EDA) and 75 residential dwelling units (under DAP). With this approval, the applicant revised the approved project plan and preliminary plan to request 18,590 square feet of office and 12,870 square feet of retail space, applying the previously used EDA procedure (or pay and go) and 168 residential units under the DAP procedure.

Summary of Local Area Transportation Review

The critical lane volume (CLV) impacts of the proposed development on critical intersections in the vicinity of the site were analyzed and are summarized in Table I.

TABLE 1

| Intersection Capacity Analysis with CLV Under Various Development Schemes | | | | | | | | |
|---|----------|------|------------|------|-------|------|----------------|------|
| | Existing | | Background | | Total | | Total Improved | |
| | AM | PM | AM | PM | AM | PM | AM | PM |
| MD 355/Clarksburg Road (MD 121) | 1276 | 1294 | 1812 | 1466 | 1885 | 1466 | 1581 | 1466 |
| MD 355/Stringtown Road | 1147 | 950 | 1577 | 1719 | 1686 | 1853 | 1214 | 1418 |
| MD 355/Shawnee Lane | 1179 | 901 | 1701 | 1505 | 1715 | 1520 | 1602 | 1119 |

As shown in the above table, all intersections analyzed along MD 355 at Clarksburg Road (MD 121), Stringtown Road, and Shawnee Lane are currently operating at acceptable CLVs (below 1,500). Under the background development and the total development conditions, all intersections are anticipated to operate at an unacceptable level. With inclusion of roadway improvements identified by the applicant's traffic consultant, all intersections are anticipated to operate at either an acceptable level or better than the background condition. The roadway improvements include construction of a southbound left-turn lane and a westbound right-turn lane at the MD 355/Stringtown Road intersection, construction of a northbound left-turn lane and an eastbound right-turn lane at the MD 355/Shawnee Lane intersection, and construction of an additional westbound through lane at the MD 355/MD 121 intersection. These intersection improvements could be constructed with either the EDA excise tax funds or the DAP fund.

The subject preliminary plan satisfies the APFO requirements since all nearby intersections are anticipated to operate either within acceptable critical lane volumes or at better than the background developments with the identified improvements. The applicant is satisfying policy area review by paying the previously available EDA excise tax and the DAP under the *FY 02 Annual Growth Policy* staging ceiling capacity. Staff further concludes that the subject project plan satisfies the zoning requirements in that it would not overburden either existing public services or those programmed for availability concurrently with each stage of construction.

Site Access and Circulation

Three access points to the site are provided: one from Stringtown Road, one from MD 355, and one from the extension of Timber Creek Lane. The internal pedestrian circulation system shown on the site plan is adequate. The internal roadways and the future connection to adjoining properties shown on the site plan are also adequate.

The proposed site access point (Street "C") on MD 355 raises some transportation issues. This access point does not align with the future street connection from the US Homes development across MD 355 as shown in their Pre-Preliminary Plan (No. 7-02009). With the access point constructed for the subject site, the adjoining undeveloped property to the south on MD 355 does not appear to have an access point to MD 355 due to its close proximity to Street "C". From a transportation perspective, staff prefers no access point from MD 355 to the subject site but prefers a future access point to MD 355 through the adjoining property that could be aligned with the future street connection from US Home's development across MD 355. This would provide better intersection spacing on MD 355 and a full movement intersection for access to the subject site, the adjoining undeveloped property, and the US Homes development across MD 355.

2. Water and Sewer

Service is considered adequate if designated in Categories 1,2 or 3. The subject property is in water category 1 and sewer category 4 with administrative advancement to sewer category 3 upon the approval of a Preliminary Plan of Subdivision.

3. Schools

According to the Annual Growth Policy, the County Council declares adequate space exists in the Damascus cluster to permit subdivision approval. See letter from MCDPS attached.

4. Police, Fire and Health Services:

The FY01 A.G.P. indicates that these services are considered adequate county-wide.

- (e) *It would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The proposed project is more desirable than standard method of development. The diversity of unit types possible with the mixed – use development allow for higher densities near transit stations, they promote pedestrian movements. The proposed amenities and facilities add richness and character and additional green space.

The standard method of development would utilize the R-200 development standards, which would allow residential uses at a greatly reduced density. The resultant development patterns would create suburban sprawl in a special protection area with a master plan whose objective is to conserve the rural and the natural environment of the area. The standard method would not conserve open or natural spaces, and would be out of character with the adjacent historic district.

- (f) *It would include moderately priced dwelling units in accordance with chapter 25A of this Code, if the requirements of that chapter apply.*

Moderately priced dwelling units are proposed to be in accordance with Chapter 25A of the Montgomery County Code. The applicant proposed to put 2 of the required 12 MPDU's in the next lot. The next lot will join this lot in plan of subdivision and will be all one site plan in the future site plan.

(g) *When a project plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the project plan may be approved by the Planning Board based on the following findings:*

- (1) *The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- (2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

This is not applicable to this site.

(h) *The adequacy of forest conservation measures proposes to meet any requirement under Chapter 22A.*

The proposed Forest Conservation Plan is under review and will be finalized with the future site plan. At this time, the applicant's obligation is to plant approximately 4.1 acres of off-site reforestation.

(i) *The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*

The proposed project plan is within the Clarksburg Special Protection Area and the Planning Board is required to approve the Final Water Quality Plan at the time of site plan review. The applicant has received a waiver to use open section roads and is allowed to use closed section streets on site due to the density of the project plan area. MCDPS, who issued the waiver, indicated that open section roads would be required for Stringtown Road.

SUMMARY

Therefore the Montgomery County Planning Board APPROVES Project Plan #9-98001A, which consists of 12,870 sf of retail, 18,590 square feet of Office, 97 dwelling units, inclusive of 12.5% MPDU's on 16.1 acres with the following conditions of approval:

The staff recommends APPROVAL of Project Plan # 9-98001-A inclusive of the waivers, the reductions in setback and as detailed in the findings below:

1. Development Ceiling

Limit the Project Plan to the following uses and density:

18,590 square feet of office space
12,870 square feet of retail space
97 residential dwelling units (of which 2 units are to be located on Preliminary Plan #1-98009R)

2. **Transportation Improvements**

This application shall satisfy the APF test by paying the Expedited Development Approval Excise Tax (EDAET) under the alternative review procedure provided for in the FY 99 annual growth policy for the commercial component and the Development Approval Payment (DAP) under the Alternative Review Procedure for limited Residential Development provision of the FY 01 Annual Growth Policy for the residential component. If an alternative means of satisfying the APF test is later approved by the Planning Board, this condition will not require a Project Plan Amendment.

3. **Dedication and construction of A-260 (Stringtown Road)**

A-260 (Stringtown Road) must be dedicated as shown and construction shall include improvements (two of four lanes with a portion of the center median and associated landscaping) from the centerline to the edge of right-of-way for the frontage of the property.

4. **Construction of improvements to MD 355 (Frederick Road)**

- a. Improvements to MD Route 355 shall follow the requirements of the MD SHA:
- Reduce over vertical along MD Route 355 to provide improved site distance at Stringtown Road;
 - Provide deceleration land along MD Route 355 at proposed site entrance (Street "C");
 - Improve MD Route 355 to 3 lanes along property frontage (one northbound lane, one southbound lane and an exclusive eastbound lane onto Stringtown Lane);
 - Site entrance (Street "C") to be right-in, right-out.
- b. A bike path shall be constructed along the site frontage at the eastern edge of the site along MD Route 355, with it's design to be reviewed at the time of site plan.

5. **Provision of Amenities and Facilities**

The future site plans shall include the following amenities and facilities:

Rural/ Historic Architecture:

The design of the commercial buildings shall be designed to conform to the rural/ historic architectural themes as indicated in the sketches included within the Project Plan Staff Report. The buildings shall include a corner focal point at the intersection of MD Route 355 and Stringtown Road.

The Commons:

A central open space (+/- 25,000 sf) suitable for pedestrian recreation, enjoyment and circulation shall be provided. Amenities shall include tree lined sidewalks with special paving, stone (or masonry) walls, historically appropriate site furniture and lighting, a lawn panel, a rustic pavilion, a plaza with special paving, special landscape features and terracing.

Commercial Area Plaza:

Open space amenities to include outdoor seating areas, special paving, wide sidewalks, special landscape planting areas, historically appropriate site furniture and lighting, and possible outdoor eating areas.

Site Features

Throughout the site, the amenities proposed include the historically appropriate light fixtures, special landscape areas, the dedication of Stringtown Road so to preserve historic district and the orientation of the units to the surrounding streets. Brick sidewalks will be provided at the edges of the Commons and within the mews walks within the townhouses.

6. Staging of Amenities

All street related amenities shown would be included with the adjoining phase of development. The Commons shall be constructed by completion of the first 50% of the residential units. The amenities associated with the commercial building shall be built concurrently with that structure. The project anticipates that the residential units will be built first.

7. Maintenance

Maintenance of the private open space areas, stormwater management areas, civic spaces and all other amenities on private land or, for non-standard amenities, within the public right-of-way, if applicable, shall be maintained by a community association. The site plan enforcement agreement shall include for the provision of maintenance for all amenities as they are installed.

8. Waivers Granted

The Planning Board approves the following waivers:

- a. Chapter 50 – Subdivision Regulations - Lot Design -50-29(a)(2) to allow certain detached lots to be platted without public road frontage. This includes Lots 9-14 with frontage on Private Street “B.”
- b. Chapter 50-Subdivsion Regulations – Intersection Truncation -Section 50-26-(e)(3) to allow for a more compact and compatible lot arrangement within the housing section.

9. Reductions in Setbacks Granted

The Planning Board approves the following reductions in the minimum setbacks adjoining the R-200 one-family residential zoning: one hundred feet to fifty feet for a portion of southern boundary and along the eastern property line to reduce the setback from thirty feet to fifteen feet.

10. Historic Preservation

- a. The Site Plan shall show a detailed plan for the preservation of the historic character along site frontages. The Stringtown Road and MD Route 355 frontages shall be developed with streetscape and other features as necessary to recreate or develop a sympathetic design with the Clarksburg Historic District.
- b. The Site Plan Enforcement Agreement shall provide consent to the Historic Preservation Section, M-NCPPC to perform a Phase I Archaeological Investigation of the property prior to construction. The investigation shall not delay the Applicant’s construction schedule. The Applicant shall co-operate with M-NCPPC archeological staff regarding any reasonable requests to remove any artifacts found during this survey for use in future public displays.

11. Site Plan Issues

- a. The site plan review application shall identify proposed construction traffic access patterns in an effort to minimize the impact of construction vehicles on neighboring residential development.
- b. The site plan application shall include details along the MD Route 355 frontage sufficient to determine that the elements proposed create a character sympathetic to the historic district immediately to the north and to the Clarksburg town center area in general. These elements will include the street trees, the lighting, retaining wall (if required), signage and any other elements.

- c. The Applicant commits to participate in a process with representatives from county agencies and private developers to review current light standards and propose and develop new light standards for Clarksburg.
- d. Maintenance Organization –A Community Association shall be set up to maintain the street trees within the public right-of-way so to allow for tighter tree spacing pending County agreement.
- e. This approval has been enlarged by one additional unit- allowable if access to MD Route 355 is achieved through an adjoining parcel. Should the access to MD Route 355 be located within this parcel, the unit count will be one less to allow for the street connection.
- f. Two MPDU units shall be located outside the bounds of the Project Plan but within the accompanying Preliminary Plan application and the future site plan area.