

**Agenda for Montgomery County Planning Board Meeting
Thursday, January 9, 2003, 9:30 A.M.**

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

<p>Roll Call Approval of Minutes: October 3, 2002 October 10, 2002</p> <p>Commissioners' Reports Directors' Reports Reconsideration Requests</p>	
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GENERAL MEETING (*Third Floor Conference Room*)

- A. Administrative Items
- B. *Closed Session: Pursuant to Maryland State Government Code Annotated Section 10-508(3) (consider acquisition of real property for a public purpose)*
- C. *Closed Session: Pursuant to Maryland State Code Section 10-508(a) (1) Topic: To discuss personnel matters.*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. **Consent Item**

Continuation of Reservation of Land for Public Use; Property of Sue W. Layman, located at 6917 Garrett Road, comprising 5.2827 acres, to be used for highway purposes for the proposed Mid-county Highway Extension

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. **Airy Hill Local Park**

Authorization to Convey to State Highway Administration 1.488 acres in Fee and 0.646 acres in Temporary Construction Easement for US 29 and Briggs Chaney Road Intersection Improvements

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. Special Exception S-2554: Housing and Related Facilities for Senior Adults

J. Kirby Development, LLC, 4.94 acres, R-90 Zone, 601 East Randolph Road, Silver Spring

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. Mandatory Referral: Emergency Generator for Public Parking Garage No. 9 and The Discovery Creative and Technical Center

South Side of Kennett Street near the intersection of Newell Street; CBD-1, Silver Spring

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Project Plan Amendment – No. 9-01003A; Rockville Target

RMX – 3C Zone; 146,168 gross square feet of commercial retail; On south side of Bou Avenue, 200 feet east of Chapman Avenue; PA-30 North Bethesda – Garrett Park

Staff Recommendation: Approval of extension of review period

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. Mandatory Referral No. 02813-DPWT-1

Fairland Road Improvements from Columbia Pike (US 29) to the Prince George’s County Line, CIP No. 509337

Staff Recommendation: Approval with comments

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. **Request To Revise The Previous Conditions Of Approval For Preliminary Plan No. 1-01030 – Clarksburg Village To Incorporate Preliminary Plan No. 1-93007 – Nanna Property**

R-200/TDR3 and 4, R-200 and P-D 4; 741.4 Acres; 2,590 Lots Requested (Residential Dwelling Units); 20,000 Square Feet Retail/Office and 5,000 Square Feet Day Care Facility

Community Water and Community Sewer

South of Stringtown Road, Northeast of Ridge Road (MD 27), Southwest of Skylark and Piedmont Roads, and Northeast of Frederick Road (MD 355), and Northwest and Southeast Sides of Houser Drive

Policy Area: Clarksburg

APPLICANT: Clarksburg Village, L.L.C.

ENGINEER: Rodgers and Associates

Comments: The applicant on both of the preliminary plan applications is requesting a modification to the previous conditions of approval to allow for the combination of the two developments: Preliminary Plan No. 1-01030 – Clarksburg Village as approved by the Planning Board on July 30, 2002 and Preliminary Plan No. 1-93007 last approved by on July 6, 2000 by the Board. Changes resulting from combining the two plans are reflected in the revised conditions below. These changes include modifications to the transportation related improvements that were discussed during the last site plan hearing before the Board. Other related changes include an increase in the number MPDU's and an increase in the commercial square footage related to the Day Care Facility.

Staff Recommendation: Approval to Revise the Previous Conditions of Approval to Combine Preliminary Plan No. 1-01030 – Clarksburg Village and 1-93007 – Nanna Property

- (1) Approval under this preliminary plan is limited to a maximum of 2,590 Residential Dwelling Units, 20,000 Square Feet Office/Retail Use and 5,000 Square Feet Daycare Facility
- (2) At least sixty (60) days prior to the submission of a complete Site Plan application the applicant shall submit an "Infrastructure Plan" for Planning Board review. The plan shall include the following:
 - a) Location and types of stormwater management facilities for quality and quantity controls that comply with the conditions of MCDPS' preliminary water quality plan
 - b) Delineate bike and pedestrian access pathways including all at grade and below grade crossings along all road rights of way and at stream crossings
 - c) All roadway networks including both private and public connections. Streetscape, lighting, sidewalks and paving materials
 - d) Delineation of "Greenway" and other open space areas including all environmental buffers
 - e) School sites and Park areas

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- f) Recreation guideline concept plan
- g) Proposed schedule for clearing and grading of site
- (3) To satisfy Policy Area Transportation Review:
- a) The applicant shall participate in widening MD 27 to six through travel lanes from Observation Drive in Germantown ~~through the Brink Road intersection, and to four through travel lanes~~ through the A-305 intersection; ~~continue transitioning to two northbound~~ travel lanes through the Skylark Road intersection, including dedication along the site frontage. This improvement along MD 27 is consistent with the master plan recommendation. If, after master plan dedication along the west side of MD 27, sufficient right-of-way is not available for the proposed widening, the applicant has to either acquire additional right-of-way on the east side of MD 27 or dedicate additional right-of-way and widen MD 27 on their development side
- b) The applicant shall dedicate on-site portions and participate in constructing relocated Newcut Road (A-302) as a two lane divided arterial roadway between MD 27 and the A-305 intersection and as a four lane divided roadway between A-305 and MD 355
- c) The applicant shall dedicate and participate in constructing A-305 as a four lane divided arterial roadway between MD 27 and Stringtown Road
- d) The applicant shall dedicate and participate in constructing Foreman Boulevard as a two lane arterial roadway from its current terminus at Timber Creek Lane to A-305
- e) The applicant shall dedicate and participate in widening Stringtown Road as a four lane arterial along their frontage. This roadway improvement can be implemented by either the Department of Public Works and Transportation's CIP project, as a developer participation project or as the Clarksburg Town Center Development District
- (4) To satisfy Local Area Transportation Review:
- a) The applicant shall participate in constructing a second left-turn lane from northbound MD 355 to westbound MD 27
- b) The applicant shall participate in constructing additional turn/approach lanes on MD 27 and Brink Road at the intersection of MD 27/Brink Road
- c) The applicant shall participate in providing a separate left-turn lane from southbound MD 355 to eastbound Brink Road and a separate left-turn lane from westbound Brink Road to southbound MD 355.
- (5) The applicant shall agree that the roadway improvements listed as conditions of approval are under construction in accordance with the phasing of road improvements for Clarksburg/DiMaio development as described in ~~David D. Flanagan's letter dated March 14, 2001 and confirmed in our letter dated March 29, 2001~~ *Mr. Rafferty's letter dated August 5, 2002 and confirmed in Transportation Planning Division memorandum dated August 22, 2002*
- (6) The applicant shall construct the following roads as standard closed section primary residential streets:
- Street "C" between A-305 and Street "I"
 - Street "M" between A-305 and Street "E"
 - Street "E" between A-305 and Street "M"
 - Street "T" between A-305 and Street "W"

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- Street “Y” between Streets “T” and “Z”
 - Street “GG” between its intersections with A-305
 - Street “R” – approximately 400’ from A-305 (or correspond to first intersection)
 - Street “Z” next to School
- (7) The applicant shall construct two roundabouts on A-305 as shown on the preliminary plan to define the boundaries of the business district portion of this roadway.
 - (8) The applicant shall construct A-305 as a business district street between the two roundabouts in accordance with DPWT Standard No. MC-219.03
 - (9) All roads rights of way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Clarksburg Master Plan, unless other wise designated on the preliminary plan
 - (10) All roads shown on the approved preliminary plan shall be constructed by the applicant to the full width mandated by the approved and adopted Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan “To be Constructed by_____” are excluded from this condition
 - (11) Additional forest save areas to be created adjacent to the environmental buffer at the northwestern portion of the property. This will require reconfiguration of the layout for that portion of the property at site plan
 - (12) At site plan, the following stormwater management facilities to be reconfigured to maintain at least half of the environmental buffer widths as undisturbed areas: Ponds B, C, L, N, and V. Reconfigure Pond Q and adjacent sewer line to maintain most of the environmental buffer as undisturbed area. Eliminate, if possible, or minimize the footprint of Pond J by providing stormwater management quantity and quality controls at alternative locations. For remaining stormwater management facilities, any environmental buffer encroachments to be no more than that shown on the concept study, dated 4/12/01
 - (13) Compliance with the conditions of approval for the preliminary forest conservation plan dated July 25, 2001. The applicant must meet all conditions prior to MCDPS issuance of sediment and erosion control permits, as appropriate. Conditions include, but are not limited to, the following:
 - a) Prior to the submission of the first site plan, submit a plan identifying specific areas proposed for natural regeneration and justifying its use in these specific areas. The plan should include measures to enhance the success of natural regeneration. At this time, areas proposed for natural regeneration must be identified in the field so that M-NCPPC may evaluate these areas as to the feasibility of natural regeneration
 - b) Environmental buffers, forest conservation and planting areas, and any natural regeneration areas to be within park dedication areas or in Category I conservation easements. Conservation easements to be shown on record plats
 - (14) Conformance to the conditions as stated in DPS preliminary water quality plan approval letter, dated 7-25-01.
 - (15) Measures to mitigate traffic noise impacts on residential uses to be shown at site plan. Mitigation measures to be shown along Ridge Road. Mitigation

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- measures may also be needed along Stringtown Rd., A-302, and A-305
- (16) At site plan, provide permanent signage along conservation easement areas to identify environmentally sensitive areas that are to remain protected. Applicant to construct an 8-foot wide paved hiker/biker trail in the Clarksburg Greenway on the property applicant currently owns. The alignment will follow the approximate route as set out in Phase I of the Trail Facility Plan, with the detailed trail location and other design and construction considerations to be worked out by the time of the Infrastructure Plan
 - (17) Applicant will construct the portions of the hiker/biker trail from Stringtown Road east to Newcut Road and north to the DiMaio Property that are not on applicant's property, provided that M-NCPPC acquires the ownership or easement rights across the needed property along the trail alignment and funds the proportionate cost to Applicant for construction of these additional sections of trail
 - (18) Applicant will construct Foreman Boulevard and Mid-county Highway to allow for grade separated crossing for the hiker/biker Greenway Trail. The trail crossings should be constructed to accommodate the trail under the roads without changing the natural location, configuration or composition of the stream channel, and should be located to minimize flooding of the trail and minimize surface water runoff from the paved trail directly into the stream
 - (19) The property within the delineated Clarksburg Greenway along Little Seneca Creek and Little Seneca Tributary will be dedicated to M-NCPPC and the hiker/biker trail constructed or clearly delineated and marked prior to construction of the residences that abut the Greenway
 - (20) The park area marked as Jeane Onufry Local Park will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate for ball field cover. Grading plans will be submitted to park staff for review and approval. The park area will be dedicated to M-NCPPC
 - (21) The school/park site off of Mid-county Highway will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate for ball field cover. Grading plans will be submitted to park staff for review and approval. The parking and ball field area at the north end of the site will be separately delineated and dedicated to M-NCPPC
 - (22) Phasing of the dedication of the school/parks sites shall be incorporated as part of the phasing schedule included with site plan approval
 - (23) At site plan address specifically the following:
 - a) Dwelling unit type and layout within the mixed use center
 - b) Coordinate with adjoining property owner to achieve a well integrated and designed commercial center that locates parking to the rear and provides special treatment for paving, seating, landscaping, lighting and other pedestrian amenities
 - c) Provide adequate "windows" into open space areas
 - d) Dwelling unit orientation along all road rights of way
 - (24) Provide a minimum of 600 TDR's pursuant to the objectives of the Clarksburg Master Plan
 - (25) Final number and location of units to be determined at site plan
 - (26) Final number of MPDU's to be determined at site plan dependent on Condition #23

- (27) No clearing, grading, unless designated on “Infrastructure Plan” and recording of lots prior to site plan approval
- (28) The validity of the Preliminary Plan will remain valid until July 30, 2013 and shall be phased for recordation of lots as follows:
 - Phase One: 300 lots by July 30, 2004
 - Phase Two: 1,000 lots by July 30, 2007
 - Phase Three: 1,700 Lots by July 30, 2010
 - Phase Four: All lots by July 30, 2012

Prior to the expiration of the validity periods, a final record plat for all the property delineated in each phase must be recorded or a request for an extension must be filed

8. **Preliminary Plan No. 1-02119 – Potomac Crest**

R-90 Zone; 9.1 Acres; Twenty-One (21) Lots (Twenty-One (21) Single Family Detached Dwelling Units)

Community Water and Community Sewer

Located on the West Side of Seven Locks Road, Approximately 150 Feet South of Declaration Lane

Policy Area: Potomac

Applicant: Magruder/Reed Communities, L.L.C.

Engineer: Dewberry and Davis

Attorney: Miller, Miller, and Canby

Staff Recommendation: Approval, Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the *Potomac Master Plan*, unless otherwise designated on the preliminary plan
- 3) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the *Potomac Master Plan*, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, “To Be Constructed By _____” are excluded from this condition
- 4) Record plat to show delineation of a Category I or Category II conservation easement, as appropriate, over the area of stream valley buffer, and forest conservation areas
- 5) Record plat to provide for dedication of eighty (80) feet of right-of-way for Seven Locks Road
- 6) Record Plat to reflect all areas under Homeowners Association ownership and Stormwater Management areas
- 7) Record plat to reflect access to the HOA opens space via easement from extension of

Patriot Lane

- 8) Record plat to reflect common ingress/egress and utility easement over shared driveways
- 9) Prior to recordation of plat, HOA documents including description, maintenance and access to: open space, stormwater management, noise barrier, and cemetery, to be reviewed and approved by MNCPPC technical staff
- 10) Compliance with the conditions of MCDPS stormwater management approval dated December 12, 2002
- 11) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 12) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 14) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. Preliminary Plan Review No. 1-03023 – Germantown Station

R-200 Zone; 1.00 Acre; Two (2) Lots (Two (2) Single Family Detached Dwelling Units);

Community Water and Community Sewer

Located on the North Side of Mateny Hill Road, Approximately 150 Feet Southwest of Summit Ridge Terrace

Policy Area: Germantown West

Applicant: Mr. John Wang

Engineer: Macris, Hendricks and Glascock

Staff Recommendation: Approval, Subject to the Following Conditions:

- 1) Prior to issuance of building permits, applicant to submit a detailed tree protection/grading plan to MNCPPC technical staff for review and approval
- 2) Prior to recordation of plat, applicant to submit final landscape plan to address screening along northeast border of subject property, for MNCPPC technical staff review and approval
- 3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the *Germantown Master Plan*, unless otherwise designated on the preliminary plan
- 4) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 5) Record plat to provide for dedication of sixty (60) feet of right-of-way for Mateny Hill Road
- 6) Compliance with the conditions of MCDPS stormwater management approval dated November 12, 2002
- 7) Access and improvements as required to be approved by MCDPWT prior to recordation of plat
- 8) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 10) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. Preliminary Plan Review No. 1-02081 – Brooks Property

RC Zone; 30.1 Acres; Six (6) Lots (Six (6) Single Family Detached Dwelling Units)

Private Wells and Private Septic

Located at the End of Oak Hill Road, Approximately 2300 Feet Northeast of Avoca Lane

Policy Area: Rural (Patuxent)

Staff Recommendation: Approval, Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the *Agricultural and Open Space Master Plan*, unless otherwise designated on the preliminary plan
- 3) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the *Agricultural and Open Space Master Plan*, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition
- 4) Prior to issuance of building permit applicant to provide an engineered sediment control plan to MCDPS for review and approval
- 5) Record plat to provide for dedication of sixty (60) feet of right-of-way for Oak Hill Road
- 6) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 7) Record Plat to reflect all areas under Homeowners Association ownership and Stormwater Management areas
- 8) Record plat to reflect access to HOA open space via easement from Oak Hill Road
- 9) Compliance with the conditions of MCDPS stormwater management approval dated February 19, 2001
- 10) Compliance with conditions of MCDPS (Health Dept.) septic approval dated November 5, 2002
- 11) Access and improvements as required to be approved by MCDPWT prior to recordation of plat
- 12) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 14) Other necessary easements

BOARD ACTION

Motion:

Vote:

• **Yea:**

Nay:

Other:

Action:

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11. THE FOLLOWING **Record Plats** are Recommended for APPROVAL, Subject to the Appropriate Conditions of Approval of the Preliminary and/or Site Plans

NOT AVAILABLE FOR TIME OF PRINTING

Staff Recommendation:

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: