

**MEMORANDUM: Local Map Amendment**

Date: October 15, 2004

TO: Montgomery County Planning Board

VIA: Carlton Gilbert, Zoning Supervisor, Development Review Division *CG*

FROM: Elsabett Tesfaye, Senior Planner, Development Review Division *ET*

SUBJECT

1. **Preliminary Water Quality Plan:** Eastside Property, South of Shawnee Lane, between Gateway Center Drive and MD 355, Clarksburg; Clarksburg Master Plan and Hyattstown Special Study Area.
2. **Local Map Amendment No. G-824:** Miller and Smith, Land Inc., Contract purchaser, Reclassification of 23.82 acres of land from the R 200 Zone to the PD-11 Zone for 290 townhouse units, Eastside Property- South Side Of Shawnee Lane, Between Gateway Center Drive And MD 355, Clarksburg; Clarksburg Master Plan and Hyattstown Special Study Area.

PLANING BOARD October 21 2004
PUBLIC HEARING: October 25, 2004

STAFF RECOMMENDATIONS:**1. Preliminary Water Quality Plan**

Staff recommends **APPROVAL** of Preliminary Water Quality Plan for Eastside Property subject to the following conditions:

- (1) Compliance with the conditions in Montgomery County Department of Permitting Services' (MCDPS) October 5, 2004 letter of approval for SPA stormwater management, and sediment and erosion control. Further

resolution of other technical issues such as dam breach shall be resolved prior to submission of site plan.

- (2) No encroachments within stream valley buffers, including any grading, clearing, SWM and sediment control facilities, or impervious surfaces, except as determined by staff as unavoidable and necessary. The applicant must use all available planning options, including the use of retaining walls, reconfiguration of site layout, and loss of developable area outside of stream buffers, to achieve this objective. Additionally, stormwater pond embankments must not be less than 15 feet from the buffer per MD 378 regulations, which forbid trees and woody plants within 15 feet of the toe of slope of the dam.
- (3) The applicant shall eliminate or minimize forest and stream impacts in the southern portion of the property. In that regard, the applicant must revise the layout or demonstrate that the proposed sewer alignment shown on the Preliminary Water Quality Plan minimizes the impacts to priority forest and the stream buffers, and that these impacts are technically unavoidable

2. Local Map Amendment

Staff recommends **APPROVAL** of Local Map Amendment No. G-824 for the following reasons:

- (1) The proposed Zoning Map Amendment and the Development Plan will be consistent with the purpose clause and all applicable standards for the PD-11 Zone as set forth in the Zoning Ordinance.
- (2) The proposed reclassification is in conformance with the land use recommendations of the 1994 Clarksburg Master Plan and Hyattstown Special Study Area.
- (3) The proposed reclassification is compatible with existing and planned land uses in the surrounding area.
- (4) Public facilities are adequate to serve the proposed development.

PROPOSAL SUMMARY

The applicant is requesting a reclassification of a 23.82-acre parcel of land from the R-200 Zone to the PD-11 Zone (See Figure 1). The applicant proposes to develop the property with 290 residential units, including 232 stacked townhouse condominiums and 58 single-family attached (SFA) units. The Development Plan designates 40 of the proposed 290 units as Moderately Priced Units (MPDUs). Seventeen of the 58 single-family attached units are designed with front-loaded garage units and the remaining 41 are designed with rear-loaded garage units. The proposed development also includes the dedication and construction of Shawnee Lane to a four-lane divided arterial roadway.

Description of Property

The subject property is located on the south side of Shawnee Lane, approximately 100 feet east its intersection with Gateway Center Drive and approximately 2,000 feet west of MD 355, in Clarksburg. The property, which is identified as Parcel 600 on Tax Map EV 43, is generally rectangular in shape and comprises 23.82 acres of land. It is currently unimproved. The southern side of the property is densely wooded and is defined by slopes and a stream valley. Two streams converge at this portion of the property and ultimately flow to a tributary of Little Seneca Creek. The property has a frontage of approximately 594 feet on Shawnee Lane.

Surrounding Area

Staff defines the surrounding area as bounded by Clarksburg Road to the north and northwest, I-270 to the west, West Old Baltimore Road to the south and Frederick Road (MD 355) to the east and northeast. This area lies within the 900-acre area that is identified as the Transit Corridor District Study Area in the 1994 Clarksburg Master Plan.

The surrounding area is characterized, at present, by a large employment facility, LCOR (formerly known as COMSAT/ Lockheed Martin), undeveloped land, schools and related service facilities, and scattered residential uses. Immediately west and northwest of the subject property are the LCOR property and the Gateway 270 Corporate Office Park in the I-3 Zone. To the north across Shawnee Lane are undeveloped parcels of land in the R-200 Zone. The Board of Education Bus Depot abuts the property to the east in the R-200 Zone, and further east are a moving company in the I-3 Zone and the new Clarksburg Area High School in the R-200 Zone. To the south, the subject property abuts undeveloped, mostly wooded area in the I-3 Zone.

Intended Use and Approval Procedure

The Development Plan shows that the proposed development consists of 290 residential units, including 232 stacked townhouse condominiums and 58 Single family attached units. The applicant indicated that 40 of the proposed 290 dwelling units would be MPDUs. Seventeen of the 58 fee simple townhouses are designed with front-loaded garage units and the remaining 41 are designed with rear-loaded garage units.

The Development Plan depicts two driveway access points from Shawnee Lane with one full access and one right-in and right-out access. The Master Plan recommends Shawnee Lane (A-301) as an arterial roadway with an ultimate right-of-way of 120 feet. The applicant proposes to widen Shawnee Lane to a four-lane divided arterial roadway from Shawnee Lane to MD 355.

The proposed development will be constructed in three phases as indicated on the Development Plan. The Development Plan provides the following development data:

	Permitted/Required	Proposed/Provided
Total Gross Area (ac.)		23.82
Zone	R-200 (existing)	PD-11
Density: Residential (d.u. /ac.)	9-11 d.u./ac minimum 50 d.u.	11 d.u./ac 290 d.u total.
Unit Types (%)	20% (Townhouse and attached) 35% Multi Family	20% SFA 80% MF
Green Area (%)	50%	58.5%
Parking Spaces	522	648

In addition to the local map amendment, this property is subject to other development approval procedures including approval of a Preliminary Water Quality Plan (See Section E of this Report), a preliminary plan of subdivision and site plan by the Montgomery County Planning Board.

Zoning History

The property was placed in the R-R Zone during the 1958 Countywide Comprehensive Zoning. In October of 1973 Text Amendment 73013 rezoned the property from the R-R to the R-200 Zone. The 1994 Clarksburg Sectional Map Amendment (G-710) retained the property's R-200 zoning.

Master Plan Recommendation

The 1994 Clarksburg Master Plan and Hyattstown Special Study Area recommends the site for Planned Development land use with 9 to 11 dwelling units per acre. The Master Plan identifies the property as part of the Transit Corridor District. The Master Plan recommends the following land use objectives for the Transit Corridor District:

- Continue the present residential character along MD 355.
- Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain residential character along MD 355.
- Continue the present of employment uses along I-270.

- Provide housing at designated areas along the transitway near significant employment uses.
- Allow small amounts of office and retail uses at transit stop areas as part of mixed-use development pattern.
- Establish strong pedestrian and bicycle linkages to the greenway.
- Improve east-west roadway connections.
- Provide an open space system that includes small civic spaces at the Transit stops.

Public Facilities:

1. Water and Sewer Service:

- a. **Service Categories:** The subject property is Water Category W-1 and Sewer Category S-3.
- b. **Water and Sewer Service:** The Washington Suburban Sanitary Commission (WSSC) has indicated that a 12-inch water line abuts the property and those programmed sized water mains are not required to serve the property. WSSC also found that local service is adequate and that the proposed rezoning of the subject property will have a negligible impact. However, estimated fire flow requirements would increase.

With respect to sewer, WSSC has indicated that an existing 15-inch sewer line traverses the property and program-sized sewer mains are not required to serve the property. Flow from the proposed development is estimated at 52,000 GPD.

Interceptor capacity for the proposed project is found to be deficient. Cumulative future flows from existing authorizations exceed the capacity in portions of the downstream system. WSSC noted that since service for this development could become dependent on the Crystal Rock Wastewater Pumping Station (WPS) and Force Main projects being in service. The proposed rezoning of the property would not significantly impact the sewerage system.

Further analysis of adequacy will be part of the review at the time of application for water/sewer service.

Roadways:

The following roadways are located within the Transit Corridor District

Shawnee Lane: The subject property has a frontage on Shawnee Road from which it will be accessed directly via two driveways. The Master Plan

recommends that Shawnee Lane be reconstructed as four-lane divided roadway arterial between Gateway Center Drive and Frederick Road (MD 355). **The proposed Development Plan includes the transportation capacity improvement of Shawnee Lane From Gateway Center Drive (west) to MD 355 (east), per the Master Plan classification.**

Gateway Center Drive (A-300): Currently a two-lane roadway extended between Clarksburg Road to the north and Shawnee Lane to the south. Gateway Center Drive is also the main street for Gateway I-270 employment center. The Master Plan recommends that Gateway Center Drive be upgraded to a four-lane arterial roadway within a variable 80 to 120-foot right-of-way.

Clarksburg Road (A-260): The Master Plan classifies the portion of Clarksburg Road (between I-270 and A-305) as an arterial highway with four lanes and a right-of-way width of 120 feet. Clarksburg Road (north) provides access from I-270 interchange to the subject property through Gateway Center Drive (west) and Shawnee Lane.

I-270: The Master Plan classifies I-270, which is located west of the subject property, as a freeway with eight lanes and a master plan right-of-way of 350 feet.

Newcut Road Extended (A-302): An east –west Master Plan roadway extended between Clarksburg Road (west) and Ridge Road (east), south of the subject property. A-302 in the vicinity of the subject property is recommended for a four-lane divided arterial highway with a right-of-way width of 120 feet.

Frederick Road (MD 355): A major highway parallel to I-270 which extends from Frederick County to the north through Montgomery County to Washington DC to the south. Frederick Road in the vicinity of the subject property is currently a two-lane road. The Master Plan recommends that this portion MD 355 (A-251) be upgraded to a 4-lane divided arterial highway. The subject property is accessed from MD 355 through Shawnee Lane.

Schools:

The subject property is located within the Clarksburg/Damascus Cluster. The current service area for Clarksburg Elementary School and Rocky Hill Middle School encompass the subject site. The Department of Planning and Capital Programming of the Montgomery County Public Schools (MCPS) indicated that the proposed development of 290 dwelling units is estimated to generate 81 elementary, 27 middle and 31 high school students. Clarksburg Elementary School is projected to remain over capacity for a six year forecast period. Two new elementary schools are scheduled to open for the 2006-07 school year and the

2009-10 school year respectively. The opening of these schools is intended to address projected space shortages at Clarksburg Elementary School.

Rocky Hill Middle School is projected to exceed capacity beginning in 2008-2009 school year. The 1994 Master Plan identifies a site for a future middle school located in the Greenway Village Subdivision; however, the school is not yet scheduled for construction. At the high school level, Damascus High School is projected to remain over capacity for the six year forecast period. A new high school is scheduled to open for 2006-07 school year. The new school is expected to relieve projected space shortage at Damascus High School. **The MCPS indicates that the current Annual Growth Policy (AGP) schools test finds the school capacity in the Clarksburg Cluster to be adequate.**

ANALYSIS

A. Purpose of the Zone

Section 59-C-7.11 of the Zoning Ordinance establishes the purpose of the Planned Development Zone as Follows:

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

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

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

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

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

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

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

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

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

The applicant has worked with staff to address concerns and issues associated with this application, as initially proposed, which could have been the basis for potential conflict with the purposes of the Planned Development Zone. However, with subsequent revisions, as reflected in the amended plan, staff finds the proposed development to be consistent with the purposes of the zone as well as the General Plan and the Clarksburg Area Master Plan.

The proposed site plan shows 290 units (232 stacked townhouse condominiums and 58 single-family attached unit) on the 23.82 acres of land with a density of 11 dwelling units per acre. The site is generally suitable for the type of housing and density proposed. Admittedly, the proposed development does not provide a broad range of housing types, as encouraged by the Zone. However, given the property's location next to a proposed large mixed-use development (the LCOR's site) and other potential development sites in the immediate vicinity, it is very likely that a balance of a wider range of unit types will be maintained to satisfy the intended purpose of the Zone within the immediate neighborhood (Transit Corridor District).

The recreational and public amenities as proposed in conjunction with the applicant's initial Development Plan were somewhat limited. However, the amended Development Plan incorporates design specifications and details, including internal circulation pattern, access from the road, and open space, that were worked out between the applicant and staff. The amended plan provides for a desirable public outdoor space with landscaping and seating elements and tot lots.

In addition, the stormwater management system, which is located on the southeastern portion of the property will be treated as an amenity and landscaped accordingly to provide for a more desirable physical environment for the future residents of the proposed development.

With respect to site design, the units are oriented in such a manner that the resident would be able to enjoy views into green areas through out the site including the stream valley and around the stormwater management pond. The reorientation also enhances the overall presentation of the development.

The Development Plan shows coordination with the future transitway and associated transit stops that are located in close proximity of the subject property. As such, the plan provides coordinated vehicular and pedestrian connections to future developments on adjacent properties. The plan also provides for an internal vehicular circulation pattern with vistas of the stream valley and the stormwater management pond and a sidewalk system to promote an effective pedestrian circulation network through out the development. With a total of 648 parking spaces (an average of 2.23 spaces per dwelling unit), adequate parking accommodation is provided for residents and visitors.

The southern portion of the property contains approximately six acres of reforestation and preservation area with varying topography and vegetation. This area also provides a natural barrier from potential visual and noise intrusion (the future transitway from which the future residents of the proposed development will benefit).

B. Master Plan

RELATIONSHIP TO THE CLARKSBURG MASTER PLAN

The subject property is located within the Transit Corridor District of the 1994 Clarksburg Master Plan Area. See Figure 4. The Transit Corridor District includes properties fronting MD 355 which have developed over many decades in accord with traditional patterns found elsewhere in the "up-county": single-family detached lots fronting the road. The most significant planning challenge in this District is to maintain and continue this residential character while addressing the need for increased traffic capacity along MD 355.

The District also includes properties traversed by the proposed transitway. The planning challenge here is to introduce housing into a predominantly employment area. The scale and intensity of residential uses must be compatible with neighboring subdivisions along MD 355, yet densities must be high enough to be supportive of transit.

A mixed-use neighborhood is proposed at the north most transit stop (Shawnee Lane) where there is a 45-acre vacant site. Gateway 270, an office park approved for one million square feet, will be the major employment center (Figure 5). A mix of residential and local retail uses is proposed at the transit stop itself.

The southern transit stop will be employment-oriented and serve the LCOR (COMSAT) property, a major office park only partially developed. A mix of residential uses at this stop will occur if vacant land on the LCOR (COMSAT) property is developed for residential uses other than office or research. The Land Use Plan for the Transit Corridor is shown in Figure 6.

The Master Plan objectives listed on pages 54 to 58 of the Plan are as follows:

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

The Master Plan states the recommended housing mix for this District as follows:

Multi-Family	Attached	Detached
30-50%	40-60%	5-10%

Conformance to Master Plan Land Use Objectives

- **Provide housing at designated areas along the transitway near significant employment uses.**

The proposed development provides a significant amount of housing as recommended in the Master Plan with the PD-11 zoning recommendation. This level of residential density is appropriate given that it is within walking distance to a future transit station and to existing employment uses. Residential uses are the most appropriate uses for this site since mixed uses are more appropriately located adjacent to the transit station north of Shawnee Lane.

The Master Plan designates land adjoining the transit stops as residential and will result in approximately 1,000 units in close proximity to employment. There are a number of different residential parcels that comprise the Transit District and will give the opportunity to achieve a wide range of unit types.

- **Improve east-west roadway connections.**

One of the transportation challenges in this area is to improve east-west access, such as Shawnee Lane. The Master Plan recommends that Shawnee Lane be expanded to a divided arterial with a 120-foot right-of-way.

The proposed plan satisfies this requirement by achieving a 120-foot right-of-way along the lot frontage Shawnee Lane and proposing roadway improvements out to MD 355. (See Transportation Planning staff comments for further detail).

- **Encourage an interconnected street system as typically found in older towns.**

An interconnected street system is essential in achieving a walkable and transit serviceable community. The Plan achieves this by proposing five street connections to adjacent properties, two along Shawnee Lane, one to the LCOR (COMSAT) property, and two to the Montgomery County Public Schools Bus Depot property. In addition to the vehicular connections, a pedestrian sidewalk network also provides connectivity and encourages transit ridership.

- **Diversity of Housing Types**

The Master Plan endorses a mix of unit types at the neighborhood level. Throughout the Transit Corridor District a range of unit types must be achieved with 30-50 percent multi-family, 40-60 percent attached, and 5-10 percent single-family detached units. The proposed plan does not achieve a wide range of unit types within this property. The proposed range of units is limited to townhouses and stacked condominium units. The proposed plan provides a range of units within the single-family attached category. It will be important to ensure that

adjacent properties within the Transit Corridor District achieve a more extensive range of unit types.

- **Neighborhood Recreation Areas and Civic Open Space**

The Master Plan calls for recreation opportunities for residents within individual neighborhoods, in addition to County operated parks (see page 162 of the Master Plan). These areas are to accommodate private recreation needs for tot lots and picnic areas, and provide usable open areas for gathering and social interaction.

The proposed plan achieves this type of open space by providing a significant, centrally located commons, which is sufficiently wide enough to accommodate recreation facilities, such as tot lots and picnic areas. In addition, the proposed plan provides several vistas of the proposed open space within the stream valley and fronts development around the storm water management pond. This area should be treated as a recreational amenity with pathways, seating and appropriate landscaping. Pedestrian access to the stream valleys also should be achieved to provide nature oriented recreation and walking.

PRELIMINARY AND SITE PLAN ISSUES

At the time of preliminary subdivision or site plan review, the following items should be addressed in order to ensure conformance to the Master Plan.

- Achieve the proposed street connections as shown on the approved development plan to ensure street connectivity and improved access to transit.
- Provide recreation facilities within the neighborhood and not along Shawnee Lane in order to foster a sense of community and create a safer recreational setting.
- Maintain proposed vistas of adjacent open space to reinforce the natural scenic character of Clarksburg.
- Develop the stormwater management pond as an amenity with recreation features such as, a pathway, seating areas and landscaping.
- Provide pathway connections via the stream valley to adjacent properties to improve pedestrian access, increase nature-oriented recreation, and encourage walking.

D. Transportation Issues

Upon reviewing the subject proposal the Transportation Planning staff offered the following comments:

Site Access and Vehicular/Pedestrian Circulation

The proposed development will gain two access points from Shawnee Lane, one full access and one right-in/right-out only. The full access point is to be located on the eastern edge of the property. It is proposed as a three-lane driveway one entering and two exiting the site. This access will be reconstructed in the future to have four lanes, two egress and two ingress lanes when the adjoining school property is developed. The new driveway will be shared between this development and the adjoining school.

Staff finds the proposed access to the site as shown on the development plan to be safe and adequate. Staff also finds that the internal pedestrian circulation and walkways provide for a safe and adequate movements of pedestrian traffic.

Local Area Transportation Review

Four local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,500 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The proposed development's trips were added to the existing and the background traffic (trips generated from approved but un built developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to determine the total future CLVs. The result of CLV calculation is shown in the following table.

Table I

Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour								
	Existing		Background		Total*		Total**	
	AM	M	AM	PM	AM	PM	AM	PM
MD 121/Gateway Center Drive	738	940	1,222	1,802	1,307	1,841	1,197	1,231
MD 355/Stringtown Road	1,255	1,032	1,313	1,374	1,313	1,374	1,313	1,374
MD 355/Shawnee Lane	1,216	1,048	1,285	1,200	1,330	1,255	1,206	1,159
Gateway Center Drive/Shawnee Lane	88	130	132	311	137	390	137	390

* Total development conditions without proposed roadway improvements

** Total development conditions with proposed roadway improvements

As shown in Table 1, all existing intersections analyzed are currently operating at acceptable 1,500 CLVs. Under the background development condition, the intersection of Clarksburg Road (MD 121) and Gateway Center Drive (becomes Gateway Center Drive/Stringtown Road Extended under the background and total development conditions), exceeds the acceptable congestion standard of 1,500 CLV during the PM peak hour. Under the total development condition, the congestion at this intersection further deteriorates and must be improved. The applicant proposed to provide intersection improvements to mitigate the site-generated trips. Upon implementation of the roadway improvements conditioned in this memorandum, the Gateway Center Drive/Stringtown Road Extended (MD 121) intersection will operate within an acceptable level of congestion that is 1,500 CLV.

Policy Area Transportation Review

Based on the FY 2004 Annual Growth Policy staging ceiling capacity, there is insufficient capacity available for the housing development (-5,028 housing units as of May 31, 2004, the date this zoning application was filed) in the Clarksburg Policy Area. The applicant had proposed to widen Shawnee Lane to a four-lane divided arterial roadway from Gateway Center Drive to Frederick Road (MD 355). Staff finds that the proposed roadway improvements will provide sufficient staging ceiling capacity to accommodate the proposed development

The Transportation staff recommends the following conditions as part of the APF test for transportation requirements related to approval of the subject application:

1. Total development under the proposed zoning application is limited to 290 townhouses.
2. The applicant shall widen Shawnee Lane to a four-lane divided arterial roadway within 120 feet of right-of-way from Gateway Center Drive to Frederick Road (MD 355). Any additional right-of-way or associated easements necessary for improvements of Shawnee Lane will be acquired or funded by the applicant.
3. The applicant shall provide the following improvements at the intersection of Gateway Center Drive and Stringtown Road Extended.
 - a. Two exclusive left-turn lanes from northbound Gateway Center Drive to Westbound Stringtown Road Extended.

- b. Two exclusive left-turn lanes from eastbound Stringtown Road Extended to northbound MD 121.
- c. Two exclusive right-turn lanes from Southbound MD 121 to westbound Stringtown Road.
- d. The applicant shall coordinate with the Montgomery County Department of Public Works & Transportation to incorporate these improvements with the Capital Improvements Program (CIP) project for Stringtown Road.

E. Environment Issues

1. Upon reviewing the subject proposal the Environmental Planning staff has offered the following comments:

Forest Conservation

This application has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) (#4-03337). Staff approved changes to the location of the stream valley buffer based on additional information regarding wetland delineation.

The minimum retention requirements for forest conservation must be met onsite, in accordance with Forest Conservation Law. The applicant has submitted a concept Forest Conservation Plan for review with the zoning change request. The concept shows retention of 5.68 acres of the site's 6.62 acres of forest. This indicates that the conservation threshold (i.e., the minimum retention threshold) will be met onsite as required. Beyond the minimum retention requirement, the "break even" point has been achieved, meaning that no reforestation or afforestation will be required. The concept FCP shows the site fully meeting the requirements of the Forest Conservation Law, and staff recommends conceptual approval of the submitted FCP.

Water Quality

The property is located in the Upper Little Seneca South subwatershed of the Little Seneca Creek watershed within the Clarksburg Special Protection Area. The *Countywide Stream Protection Strategy* (CSPS, 1998) rates subwatershed stream and habitat conditions, as ranging from 'good' to 'excellent'. That section of Little Seneca Creek is designated as a Use IV-P waterway indicating its suitability for an adult trout "put-and-take" population. Future development of the site must implement the special protection

requirements of the Environmental Guidelines, Forest Conservation Law, and Chapter 19.60, the County Special Protection Area legislation (including stormwater management and sediment control facilities) to maximize protection of stream quality. SPA-level stormwater management facilities have been addressed in the section on the Water Quality Plan.

Water and Sewer

Public water and sewer serve the general Shawnee Road area. The project site is eligible for sewer service. It is located in Sewer Service Area 'A' originally identified for service in Stages 2 and 3 of the Staging Plan. Funding for sewer service was provided in the FY 96 CIP.

The Environmental Planning staff further stated that the proposal will be subject to approval of a Final Forest Conservation Plan and a Final Water Quality Plan. Forest conservation and common area access easements will also be required, and should be provided during the course of site plan review and recordation of property.

Based on the preceding analysis the Environmental Planning staff has recommended the following:

- No encroachment into the stream valley buffers except for necessary and unavoidable SWM and sewer outfalls. The applicant must examine all available planning options, including the use of retaining walls, reconfiguration of site layout, and loss of developable area outside of stream buffers, to achieve this objective.
- The concept Forest Conservation Plan is recommended for approval as part of the development plan. The applicant must make every effort to eliminate priority forest and stream impacts in the southern portion of the property. In that regard, the applicant must demonstrate that the proposed sewer alignment shown on the Preliminary Water Quality Plan minimizes the impacts to priority forest and the stream buffers, and that these impacts are technically unavoidable.

2. Preliminary Water Quality Plan For the Eastside Property

The proposed development is entirely within the Clarksburg Special Protection Area (SPA). Under the SPA law, MCDPS and the Planning Board have different responsibilities in the review of the water quality plan. MCDPS reviews and conditionally approves the elements of the final water quality plan under its purview, while the Planning Board determines whether

the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements, have been satisfied. The Preliminary Water Quality Plan must be approved prior to approval of the rezoning of the property. The Final Water Quality Plan must be submitted prior to submission of the Site Plan.

The Preliminary Water Quality Plan that was submitted to MCDPS has recently been approved with conditions.

Stormwater Management

Most of the site will drain to a single stormwater management facility that will be designed to provide the required 1-year control, with safe conveyance of larger storms to the 100-year storm event. This facility will also accommodate storm flow via the storm drain system, from the property across Shawnee Lane to the north. In keeping with SPA policy, the surface water quality features for the Eastside property will consist of adequately sized redundant sand filters, the storm drain will be appropriately configured, and infiltration facilities will be provided. To maintain stream and watershed quality, the stated sediment control and stormwater management goals for the site include:

- Maintaining Stream Flow. The proposed plan addresses this through groundwater recharge in many areas throughout the site. The applicant has been advised to locate additional infiltration storage under the sand filters and to conduct percolation tests to determine infiltration rates.
- Protect Springs, Seeps and Wetlands. There will be no grading in the vicinity of springs, seeps, and wetlands. The Preliminary Water Quality Plan addresses this concern adequately.
- Maintain Integrity of the On-Site Stream Channel. The applicant and DPS staff will walk the stream channel to determine its condition and any required repairs or retrofits.
- Minimize Stormflow Increases. The 1-year control facilities proposed in the Preliminary Water Quality Plan addresses this issue.
- Minimize Thermal Impact to the Receiving Stream. The Plan addresses this issue through infiltration and dry facilities that do not increase the temperature of the run-off.
- Minimize Sediment Loads During Construction. The Plan shows adherence to SPA regulations that require redundant sediment controls and 25% larger sediment traps and basins. Additionally, a

new policy that requires the developer to provide funding for an independent third party sediment control inspector to be onsite at all times, is being implemented at Eastside.

- Minimize Toxin and Nutrient Loading. The applicant is required to develop and distribute an integrated pest management plan to homeowners through inclusion in the Homeowners' Association documents.
- Water Quality Monitoring. A water quality monitoring system that includes water sampling must be put in place. In that regard profiles will be provided on the tributary downstream of the stormwater management pond and will extend upstream past the area of the head cut. This profile will be monitored annually starting one year prior to construction, during construction, and for 3 to 5 years after construction.

Site Imperviousness

Although there are no imperviousness ceilings limitations within the Clarksburg SPA east of I-270, the SPA law requires that all opportunities to reduce impervious surfaces be evaluated on the Eastside property. In that regard staff has advised the applicant to consider every opportunity including stacking housing units, so as to increase the amount of open space provided.

F. Community Concerns

The Clarksburg Civic Association has voiced concerns regarding the proposed density of the development (see attached letter of October 15, 2004). The Association's concerns are summarized as follows:

- The use of the maximum range (11 dwelling units per acre) of the development density and the number of MPDUs provided with the proposal.
- Potential impact of the proposed number of units on the overall density limit recommended by the Master Plan for the neighborhood.
- Potential impact of the higher density on the area's water quality.
- Inadequacy of the proposed green space.

Staff is of the opinion that the proposed development is designed in a manner that is compatible with and will complement existing and future developments in the immediate area. Through a combination of architectural, topographical and

landscaping features, the proposed development represents retention of sensitive environmental features, a balanced site design and adequate green space, which at the same time create an aesthetically pleasing environment on the subject property. Given the fact that a large portion of the property is within the stream valley and not developable, the proposed design and mix of the residential units appear to be appropriate and desirable for the subject site.

As noted, the property is also subject to Water Quality review and approval by the Planning Board. The Environmental Planning staff has recommended approval of a Preliminary Water Quality Plan for the proposed development with conditions. Moreover, the Montgomery County Department of Permitting Service (MCDPS) reviews and conditionally approves certain elements of the Final Water Quality Plan. Currently, MCDPS has approved the Preliminary Water Quality Plan with several conditions. The reviews and approval of the Water Quality Plan by both the Planning Board and MCDPS would ensure that water quality in the area would not be impacted by the proposed development.

In recognition of the Master Plan transitway and its potential impact in the immediate area in terms of increased traffic flow, the proposed development plan proposes the transportation capacity improvement of Shawnee Lane between Gateway Center Drive and MD 355 in keeping with the Master Plan recommendation and classification of that segment of Shawnee Lane.

The property contains various environmental features including slopes and stream valley and matured vegetations. As such, the property is subject to forest conservation and other retention and buffer requirements as well as provision of adequate storm water management system. Given the nature the property, staff is of the opinion that the proposed PD-11 development with the design features and layout of the development as depicted on the Development Plan is appropriate for the subject property. With respect to the MPDUs provided with the development, the density bonus and the required MPDUs meet the standards set forth in Section 25A-5(b), Chapter 25A. It should also be noted that although the property is developed under PD-11, it is not achieving the maximum PD-11 bonus density of 319 units. By providing only 290 units, the proposal meets its required amount of MPDU's (13.6 percent). Furthermore, by providing less than the allowable maximum number of units, a less congested site development has been achieved.

In a supplemental submission dated October 14, 2004 the applicant has responded to the community's comments (See attached letter from the applicant).

G. Conclusion

Staff finds that the proposed Local Map Amendment with Development Plan will be consistent with the purpose clause and all applicable standards for the PD-11 Zone, and will be in accord with the land use recommendations of the 1994 Clarksburg Master Plan and Hyattstown Special Study Area. Therefore, staff recommends approval of the PD-11 Zone and the proposed Development Plan.

Furthermore, staff recommends approval of the proposed Preliminary Water Quality Plan subject to the recommended conditions listed in this Staff Report.