

Date: Ailed: August 13, 2002

Action: Approved Staff Recommendation

Motion of Comm. Robinson, seconded
Comm. Perdue with a vote of 4-0;
Comms. Berlage, Perdue, Robinson
and Wellington voting in favor with
Commissioner Bryant absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02048

NAME OF PLAN: GATEWAY COMMONS

On 12/12/01, US HOMES submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 TDR zone. The application proposed to create 292 Units on 45.25 Acres of land. The application was designated Preliminary Plan 1-02048. On 07/18/02, Preliminary Plan 1-02048 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02048 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02048.

Approval, Including Waivers of Open-Section Roadways and Pursuant to Section 59-C-1.395, Waiver for the Minimum Percent of Single Family Detached Dwelling Units, and the Maximum Number of Allowed Multi-Family Units, Subject to the Following Conditions:

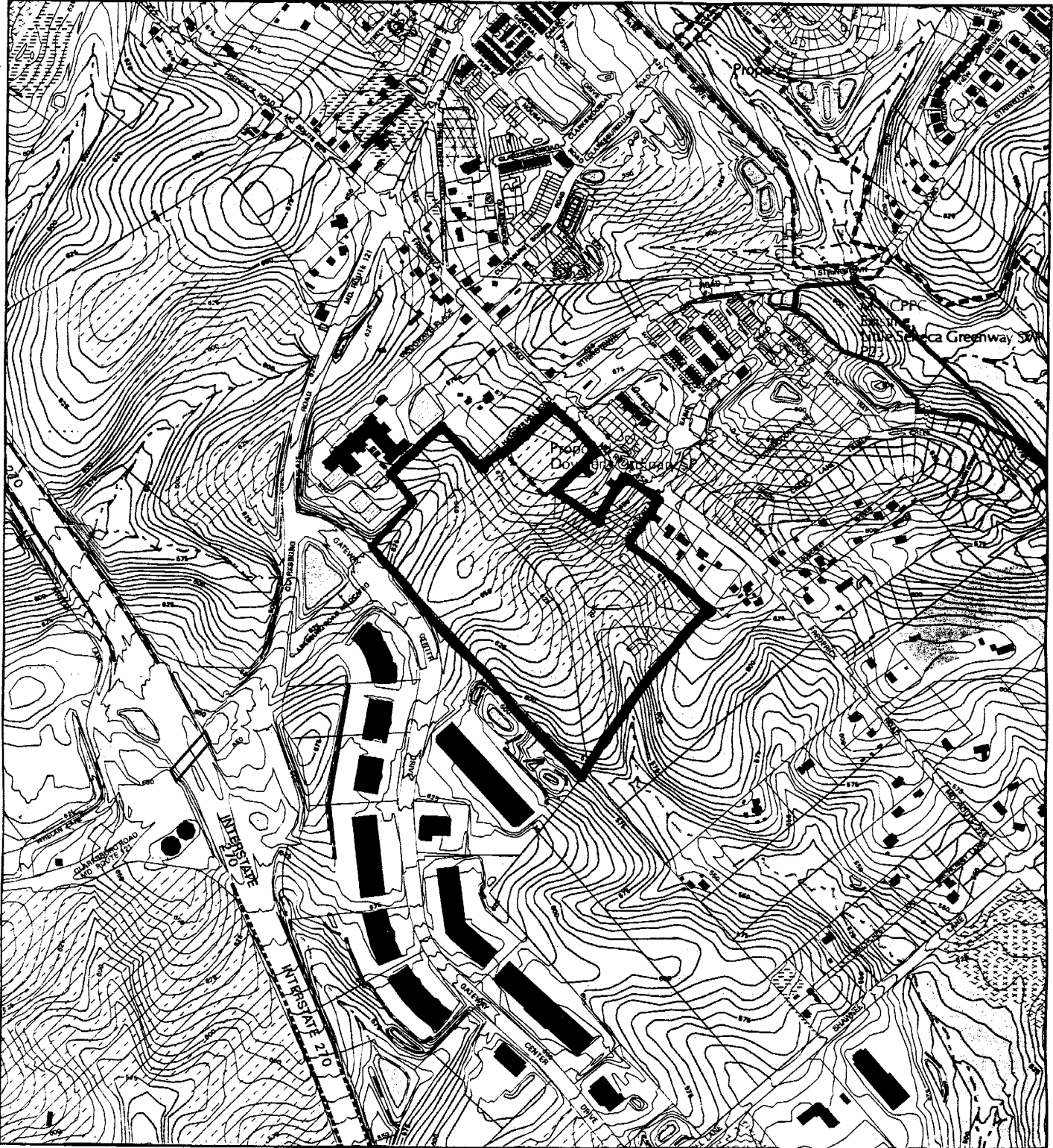
- (1) Limit approval under this preliminary plan to a maximum of 292 residential dwelling units
- (2) Satisfy the APF test by paying the Development Approval Payment (DAP) under the Alternative Review Procedure for Limited Residential Development provision of the FY 02 Annual Growth Policy for the proposed residential development. The APF test includes:
 - a. Policy Area Review: Site-generated traffic has to be mitigated within the Clarksburg Policy Area, which is in a moratorium. There is no capacity available for residential development as of June 30, 2002 (-8,717 units) in the Clarksburg Policy Area. The applicant is satisfying policy area review by paying the DAP under the FY 02 Annual Growth Policy staging ceiling capacity.
 - b. Local Area Transportation Review: A traffic study (to analyze the traffic impact at nearby intersections) is required since the proposed land use generates more than 50 total peak-hour trips during the weekday morning peak period (7:00 a.m. to 9:00 a.m.) and the evening peak period (4:00 p.m. to 6:00 p.m.).

ATTACHMENT A

Exhibit "A"

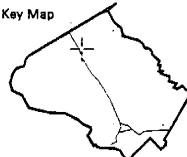
- (3) As a condition of site access, construct the outside lanes of Stringtown Road (A-260 from Gateway Drive to intersection with Observation Drive as a two-lane arterial road including a five-foot sidewalk, an eight-foot bike path, street trees, and grading for a future four-lane divided roadway.
- (4) As a condition of site access, construct the outside lanes of Observation Drive (A-19) from Stringtown Road to the on-site intersection with relocated MD 355 by-pass as a two-lane arterial road with a future transit way in the median including a five-foot sidewalk, an eight-foot bike path, street trees, and grading for a future four-lane divided roadway.
- (5) For the first 200 building permits as a condition of site access, construct the outside lanes of MD 355 by-pass through the property as a two-lane arterial road including a five foot sidewalk, an eight foot bike path, street trees, and grading for a future four-lane divided roadway.
- (6) Prior to issuance of the 201st building permit, but not later than eighteen (18) months after approval of the Preliminary Plan, obtain two (2) appraisals of the fair market value of the right-of-way for the By-Pass ("ROW") and make a cash offer to the owners of this ROW of up to 110 percent of the highest appraised value ("maximum cost") via certified letter.
 - a. If the offer is not accepted by the owner(s), or no response is received, the County shall act to acquire the ROW. The applicant shall be responsible to reimburse the County the maximum cost and to construct a half-section of the roadway in accordance with County standards at their sole cost and expense.
 - b. In the event neither the applicant nor the County acquires the ROW within three years of preliminary plan approval of Gateway Commons, the applicant shall be free to proceed with full build-out of Gateway Commons and be issued all remaining building permits without obtaining the ROW or constructing the By-Pass.
- (7) As a condition of site access, construct Woodport Road from Public Road "B" to MD 355 (as a right-in/right-out at MD 355) as a tertiary residential street.
- (8) At the time of site plan address issues of transition and compatability of height of units along Stringtown Road with existing and proposed development to create the "gateway" to the Town Center. Maintain 25-foot building setbacks along Stringtown Road and 20 feet along Observation Drive to achieve an appropriate "gateway" transition from I-270 into Clarksburg's Town Center. Applicant to explore, with MCDPS, relocation of the proposed SWM pond located in the northeastern quadrant of the intersection with MD 355 and Observation Drive to better implement street oriented development as per Master Plan recommendations.
- (9) Applicant to dedicate "Parcel H" consisting of 2.84 acres and located at the corner of Route 355 and extended Stringtown Road to M-NCPPC. Said land to be conveyed free of trash and unnatural debris and the boundaries staked and signed by Applicant to delineate between parkland and private properties
- (10) Applicant and M-NCPPC staff to discuss possible use of portions of Parcel H for needed re-forestation requirements and passive recreation amenities compatible with the historic significance and use of the site.
- (11) Any agreed re-forestation or construction of passive recreational amenities being done by Applicant on Parcel H to be coordinated with M-NCPPC staff to prevent damage to historic areas and artifacts.
- (12) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)

- (13) Record plat to include note "No Driveway Access to MD 355"
- (14) Compliance with conditions of MCDPS approval of the Preliminary Special Protection Area Water Quality Plan
- (15) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- (16) Final approval of the number and location of dwelling units, parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- (17) Record plat to identify all homeowners association parcels and stormwater management parcels and any common ingress/egress easements
- (18) Provide a minimum number of forty-four (44) MPDU's and one hundred and (127) TDR's dependent upon condition number 16 above
- (19) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- (20) Prior to recording of plat provide an affidavit to verify the availability of a TDR for each existing and proposed dwelling unit shown on the approved preliminary plan. Include a note referencing recorded covenant regarding the TDR's on record plat
- (21) 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
- (22) 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
- (23) Other necessary easements



NOTICE

Key Map

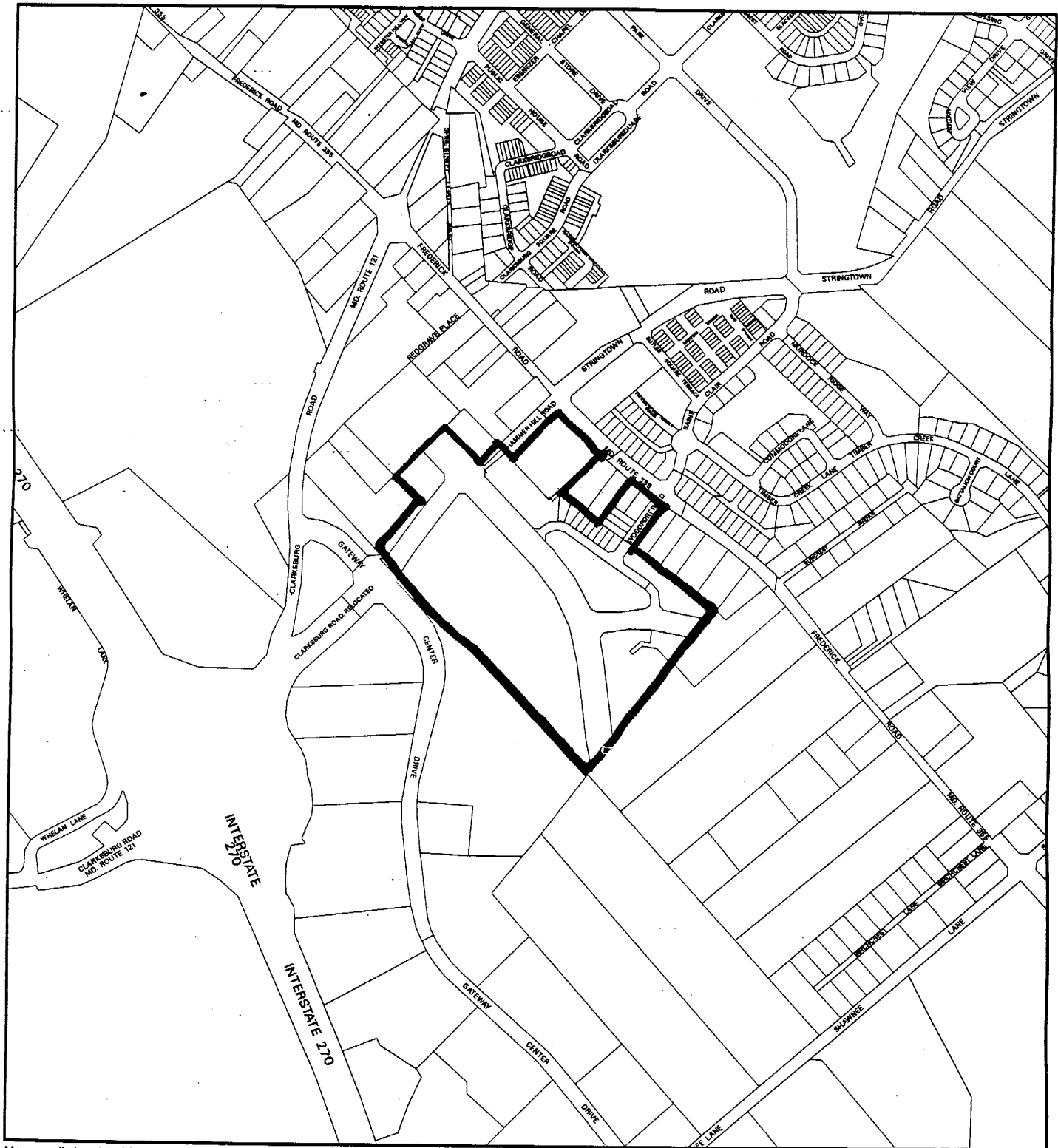


Research & Technology Center

A horizontal scale bar with alternating black and white segments. The number '0' is at the left end and '800' is at the right end, indicating a distance of 800 meters.

1 inch = 800 feet
1 : 9600

GATEWAY COMMONS (1-02048A)



Map compiled on July 29, 2005 at 10:40 AM | Site located on base sheet no - 232NW13

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map



N

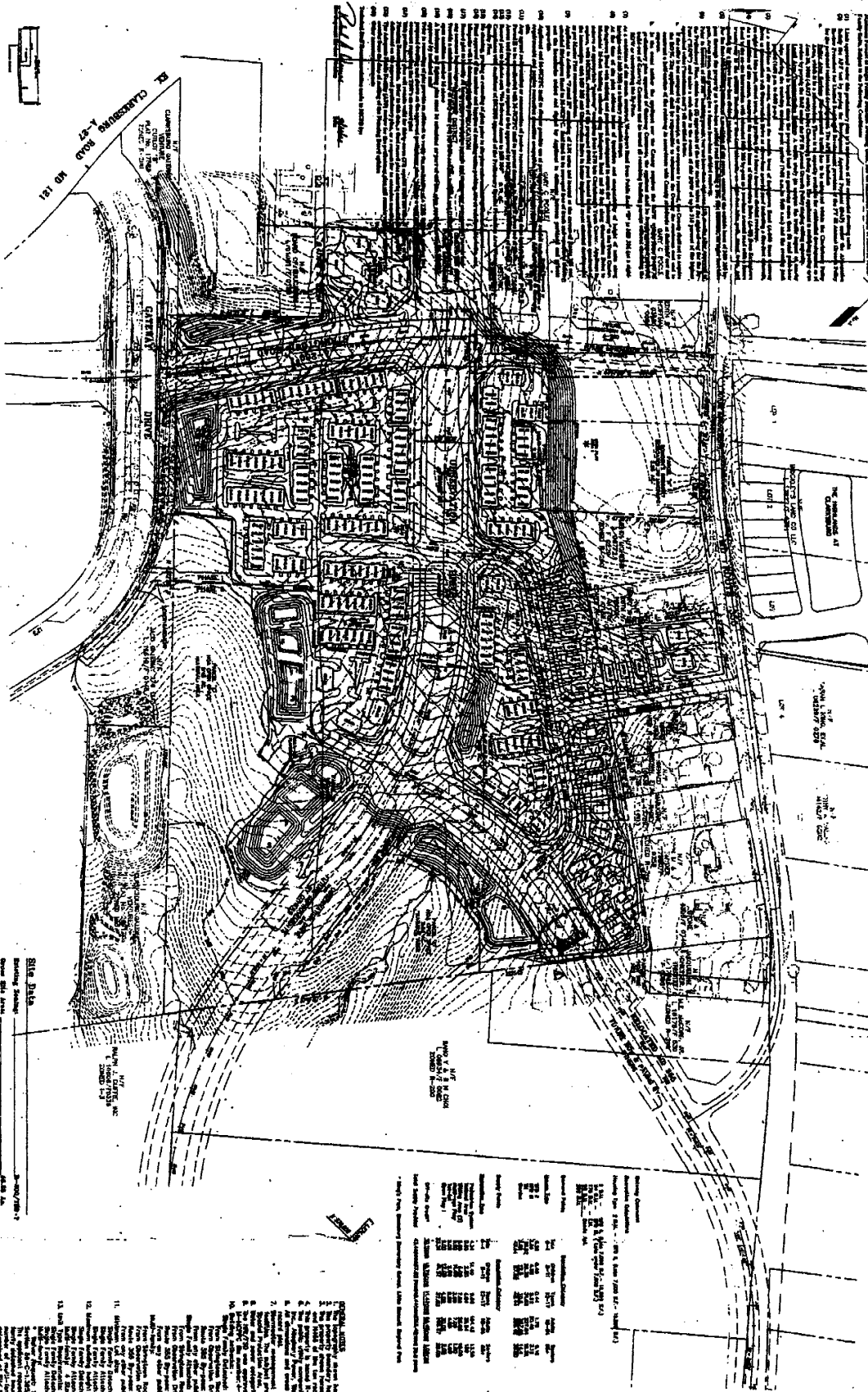
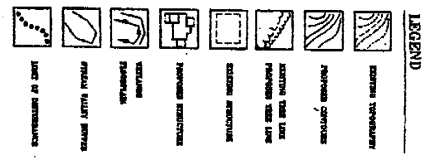
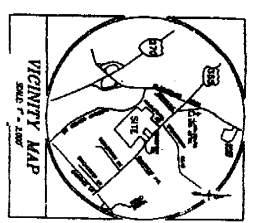


Research & Technology Center



1 inch = 800 feet
1:9600

ATTACHMENT C

[illegible][illegible]

GLW GINNARD LITTLE & WYNN, PA.
ONE BRIDGE LANE SUITE 100, LAWRENCE, MASSACHUSETTS 01840
TEL: 978-681-2222 FAX: 978-681-2223
WWW.GLWPA.COM

0 Doubtary

PRELIMINARY PLAN
GATEWAY COMMONS
PARCELS 304, 466 AND 535

DATE	7/26/44 - 8/10/44	SWELL
SPD	100	01-105