

**MEMORANDUM**

DATE: January 3, 2006
 TO: Montgomery County Planning Board
 Rose Krasnow, Chief *RK*
 Robert Kronenberg, Acting
 Supervisor *RAC*
 Development Review Division
 FROM: Frederick Vernon Boyd
 Community-Based Planning Division
 (301) 495-4654



REVIEW TYPE: **Site Plan Review**
 CASE #: **82002036B**
 PROJECT NAME: Greenway Village at Clarksburg—Phases 1 and 2
 APPLYING FOR: Approval to add development standards for building heights and setbacks;
 revise conditions of approval for construction of the pool complex;
 relocate a mailbox; shift the placement of a bike path; modify grading for
 a stormwater management outfall; add a retaining wall to a single lot; and
 revise conditions of approval for the bike path along Skylark Road

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: PD-4
 LOCATION: In the vicinity of the intersection of Skylark and Newcut roads, west of
 Ridge Road
 MASTER PLAN: Clarksburg Master Plan
 APPLICANT: Clarksburg Skylark LLC
 FILING DATE: July 15, 2005
 HEARING DATE: January 12, 2006

STAFF RECOMMENDATION: Approve the addition of development standards, as modified in this memorandum, for building heights and setbacks; the revision of conditions of approval for construction of the pool complex; the relocation of a mailbox; the realignment of a bike path; modification of grading for a stormwater management outfall; construction of a retaining wall on an individual lot; and the revision of conditions of approval for the bike path along Skylark Road. All site development elements shown on plans for Greenway Village at Clarksburg—Phases 1 and 2 that were stamped by the M-NCPPC on June 16, 2003 shall be required except as modified by the proposed amendments and the following conditions:

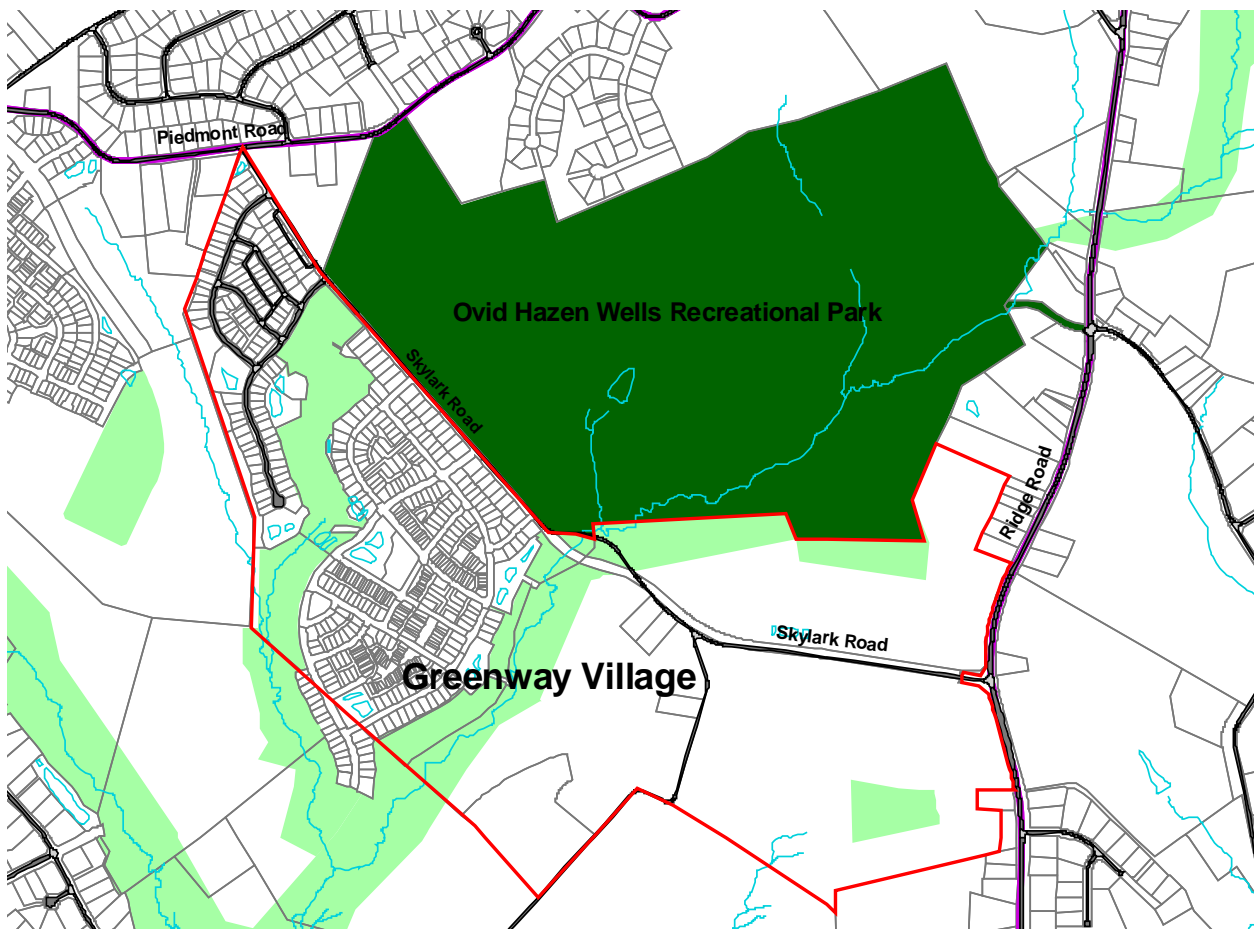
1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 12002033A for Greenway Village at Clarksburg listed in the Planning Board opinion dated November 7, 2002; and conformance with subsequent preliminary plan amendments.
2. Site Plan Conformance
The proposed development shall comply with the conditions of approval for Site Plan 8-2002036 that are listed in the Planning Board opinion dated October 16, 2002, unless modified by the subject amendment; and conformance with conditions of approval in subsequent amendments.
3. Future Amendments
The review and approval procedure for future amendments shall adhere to Section 59-D-2.6.
4. Development Standards
 - a. Provide for the Signature Set a data table setting out the approved development standards for the proposed development, including the area under development; the number of dwelling units; the minimum lot areas for each housing type; setbacks from public streets, rear yards and side yards; lot coverage; and building heights, which must be delineated in feet.
 - b. Provide the size of each lot for the Signature Set.
5. Fire and Rescue Services
The Signature Set shall conform to changes mandated by the Montgomery County Fire and Rescue Service. A memorandum from the Service is attached.
6. Recreation Facilities
 - a. The proposed pool house and community center complex in Park 3 is to be completed before 85 percent of all building permits are released by Montgomery County's Department of Permitting Services.
 - b. The bike path required along the south side of Skylark Road must be completed concurrently with improvements to Skylark Road undertaken by the Department of Public Works and Transportation.
7. Development Program
The applicant shall amend the approved Site Plan Enforcement Agreement and the Development Program for Site Plan 82002036 to reflect these proposed amendments prior to approval of the Signature Set site plan.
8. Signature Set
Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:
 - a. Development program, inspection schedule, and Site Plan Opinion.
 - b. Limits of disturbance.
 - c. Methods and locations of tree protection.

- d. Forest Conservation easement areas.
- e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- f. Location of outfalls away from tree preservation areas.

PROJECT DESCRIPTION: Site Description

Greenway Village at Clarksburg is a 374-acre neighborhood just east of the Clarksburg Town Center. It is bounded roughly by Skylark Road and Ovid Hazen Wells Recreational Park to the north and Ridge Road to the east. Immediately to the south and southwest is Clarksburg Village, a residential neighborhood. The area is best characterized as an emerging suburban residential district. Greenway Village and Clarksburg Village lie on land that had previously been farmed, and are part of what the Clarksburg Master Plan described as the Newcut Road Neighborhood.

This site plan revises earlier approved plans for Phases 1 and 2 of Greenway Village. The two phases total 164 acres and lie generally west of Little Seneca Creek, south of Skylark Road and north of Clarksburg Village.



PROJECT DESCRIPTION: Proposal

This amendment proposes to 1) add standards for building heights and setbacks; 2) revise conditions of approval for construction of the pool complex; 3) relocate a mailbox; 4) shift the placement of a bike path; 5) modify grading for a stormwater management outfall; and 6) add a retaining wall to a single lot.

Development Standards

No development standards are currently in place for Greenway Village. The applicant proposes the following standards for height and setbacks:

Development Standard	Existing Standard	Proposed Standard
Zone	PD-4	PD-4
Minimum Area of Development	none	153.6 acres
Dwelling Units at 4 units to the acre	614	486
One Family Detached	Minimum of 10 percent of total units	328 (67 percent)
One Family Attached	Minimum of 25 percent of total units	158 (33 percent)
MPDUs	Included in overall percentage above	49
Minimum Lot Area (square feet)		
One Family Detached	none	3500
One Family Attached	none	1000
MPDU	none	1000
Minimum Lot Width at front building line	none	18 feet
Setback from Public Street		
One Family Detached with front garage	none	15 feet
One Family Detached with front garage on corner lot when adjacent house does not front on street	none	5 feet
One Family Attached	none	5 feet

Development Standard	Existing Standard	Proposed Standard
Rear Yard		
One Family Detached with front garage	none	20 feet
One Family Detached with rear garage	none	0 feet
One Family Attached with rear garages	none	0 feet
Side Yard		
One Family Detached with front garage	none	4 feet
One Family Detached with rear garage	none	3 feet
One Family Attached	none	0 feet
Lot Coverage		
One Family Detached	none	60 percent
One Family Attached	none	75 percent
Building height		
One Family Detached	none	45 feet*
One Family Attached	none	45 feet*
2-over 2-units**	none	55 feet
Setbacks for Accessory Buildings	none	0 feet
Green Space	40 percent (61.44 acres)	57 percent (87 acres)

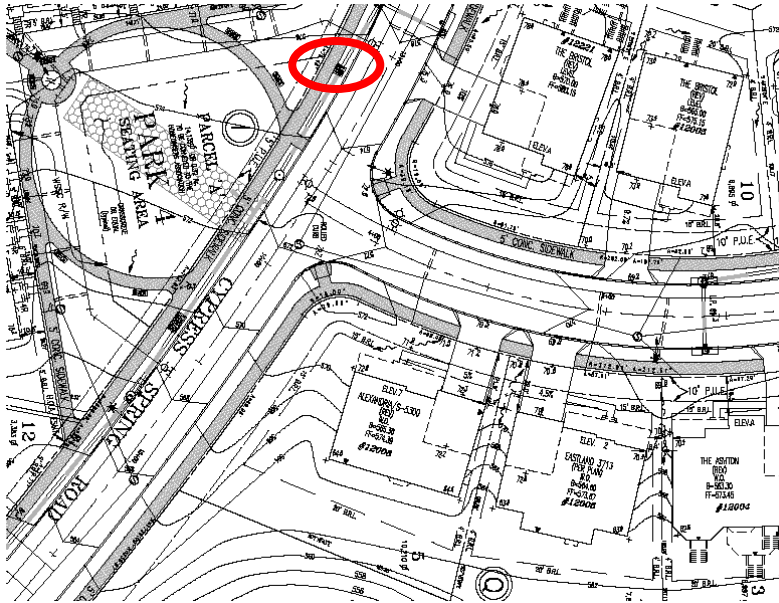
* Technical staff recommendations for building heights differ from the applicant's proposals. A detailed analysis is below.

** No 2-over-2 units have been built in these phases of Greenway Village.

Pool Complex

A previous amendment to this site plan (8-2002036A) revised the design of a planned pool house to include 2,000 square feet of community space. The approval conditions included a requirement that the pool house be completed before the earlier of two events: the achievement of 85 percent occupancy in phases 1 and 2, or June 1, 2006. Delays in approving the opinion for the site plan amendment and the subsequent signature set have made the June 1, 2006 deadline impossible to meet. This amendment therefore recommends that the applicant be required to complete the pool house by the time that 85 percent of all building permits are released by the Department of Permitting Services.

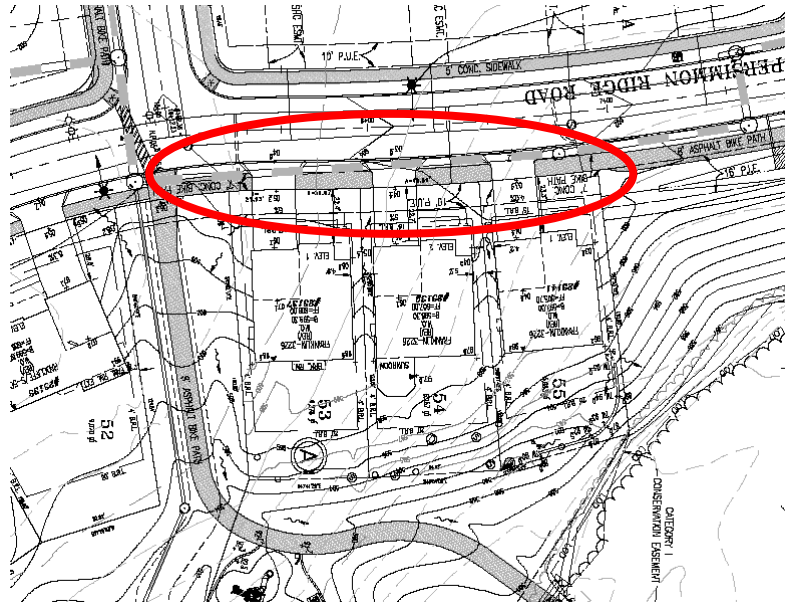
Mailbox Relocation



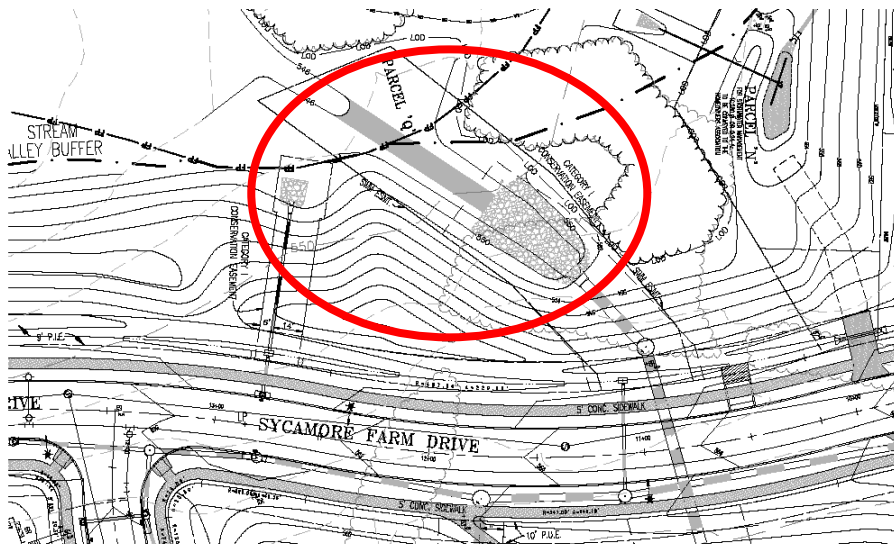
The original site plan for Greenway Village included locations for mailboxes that would serve small groups of homes throughout the community. One such mailbox was planned to be located on Walnut Haven Drive, in front of the home occupying Lot 2 of Block Q. The applicant, in response to a request from the buyer of that home, has agreed to relocate the mailbox to an area along Cypress Spring Road that is designated as open space managed by the homeowners' association.

Bikepath Realignment

Greenway Village's circulation system includes bikepaths that will connect the neighborhood to the Clarksburg Greenway and to nearby Ovid Hazen Wells Recreational Park, as well as to other Clarksburg neighborhoods. One such trail connects Ovid Hazen Wells park to Clarksburg Village, using Cherry Branch Drive and Persimmon Ridge Road. The applicant is proposing to shift the alignment of a portion of the bikepath in front of three houses along Persimmon Ridge Road, so that it is located completely within the public right-of-way.



Modified Stormwater Management Outfalls

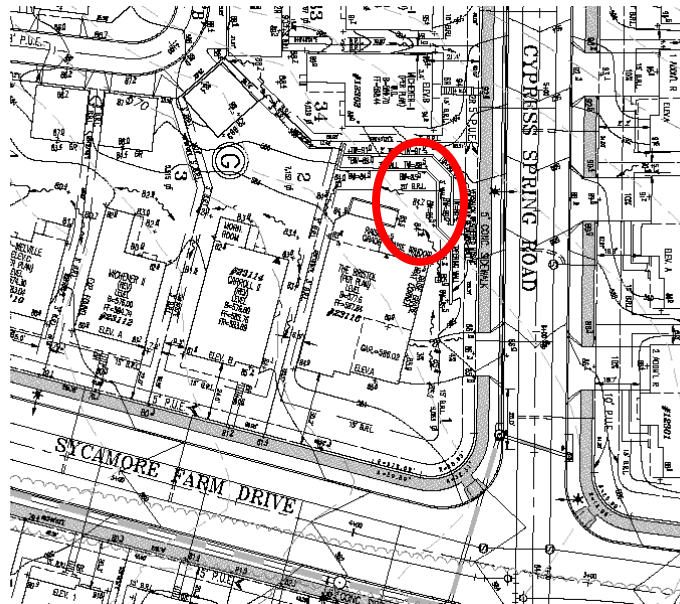


Detailed design of the stormwater management system adjacent to the pool complex requires extending the length of the outfall that will convey water to the stream that will accept the filtered stormwater. Extending the length of the outfall requires revised land grading in the area of the outfall. The applicant proposes to alter the grading as part of this amendment.

Environmental Planning Unit staff has reviewed this proposal and recommends its approval.

Addition of Retaining Wall

During field grading of Lot 1, Block G at the corner of Cypress Spring Road and Sycamore Farm Drive, the house's basement was located at a lower elevation than originally planned. The applicant proposes to correct the difference in elevation by constructing a retaining wall in the portion of the lot nearest Lot 34, Block G, which is immediately adjacent on Cypress Spring Road.



Skylark Road Bikepath

Plans for Greenway Village include provision of a bike path along the south side of Skylark Road that will, among other attributes, allow residents of neighborhoods along Piedmont Road to reach Ovid Hazen Wells Recreational Park. The Site Plan Enforcement Agreement for the project includes bike paths as part of the project's local recreational facilities and generally

requires that such facilities be completed and conveyed to a homeowners' association when 70 percent of the units in a specified phase have closed on title. The applicant is unable to meet this requirement because the Department of Public Works and Transportation will not complete improvements to the western portion of Skylark Road, which will allow the applicant to construct the bike path, until the middle of 2006. The applicant proposes that its obligation to construct, complete and convey the bike path be tied to completion of improvements to Skylark Road, rather than to closing dates on units. Technical staff recommends approval of a condition reflecting this proposal.

PROJECT DESCRIPTION: Prior Approvals

Local Map Amendment G-735

The property was originally reclassified from the R-200 Zone to the Planned Development (PD) Zone in 2001. The PD Zone was determined to be in accord with the recommendations of the Clarksburg Master Plan and the development proposed was compatible with neighboring development. The Local Map Amendment included a Development Plan that would guide subsequent development of the property.

Preliminary Plan 12002033 and Preliminary Plan 12002033A

The Planning Board approved a preliminary plan for the property and a subsequent amendment in 2002. The preliminary plan limited development on the property to 1,330 dwelling units (in a total of five phases), 89,000 square feet of retail space and 2,000 square feet of community space. The preliminary plan included 600 single-family detached houses, 386 single-family attached houses and 344 multi-family units.

Site Plan 82002036

The Planning Board approved a site plan for phases 1 and 2 of Greenway Village in 2002 as well. The two phases contained 486 dwelling units on 164 acres, including 328 single-family detached houses and 158 single-family attached houses. Forty-nine of the single-family attached houses were Moderately Priced Dwelling Units.

Development Plan Amendment 04-3

In 2004, the County Council approved an amendment to the Development Plan for Greenway Village. The developer of the community wanted to add 2,000 square feet of indoor community space to the 2,000 square feet of outdoor space shown in the original Development Plan as part of the commercial district that would serve the entire Newcut Road neighborhood. Provision of such space within Greenway Village would create needed community space as the neighborhood developed, rather than providing it at the time the commercial center developed, which was not scheduled to occur for a number of years.

Site Plan 82002036A

Earlier this year, the Planning Board approved an amendment to the approved Site Plan for phases 1 and 2. This amendment, following the decision to add community space within the residential portion of Greenway Village, proposed to relocate a planned pool house and redesign it to include the approved community space as a second floor.

ANALYSIS:

Conformance to Development Standards

The Planned Development Zone, unlike more narrowly drawn Euclidean Zones, contains no specific standards for building height or setbacks. Indeed, a primary purpose of the zone is to “provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a right under conventional zoning categories.” Standards for height and setbacks remain useful, even in the context of the flexible development encouraged and allowed in the PD Zone, because they can create a mutually agreed on set of “ground rules” for construction that does not compromise the overall design objective outlined in the zone’s purpose clause. These ground rules can be understood equally by builders and consumers of the resulting housing. In addition, the Zoning Ordinance states that the contents of a site plan must include structure heights.

Technical staff believes, however, that the height standards proposed by the applicant are overly generous. Only the county’s large lot zones allow building heights of 45 feet; the higher density single family detached zones, which allow densities in the range of the four units per acre set for Greenway Village, allow building heights of no more than 40 feet. The residential townhouse zones allow maximum heights of 35 feet. In addition, because construction in phases 1 and 2 is largely complete, an idea of the range of building heights in the community is available. A review of permits recently approved as part of the ongoing review of building permit activity in Clarksburg indicates that single family detached houses in Greenway Village are being built to heights of 30 feet to 35 feet. Some townhouses in the community have achieved heights of 35 feet. A maximum building height of 40 feet for single family attached and detached houses should allow adequate leeway for grading and topographic variations. To accommodate construction of 2-over-2 units, technical staff recommends retaining the 55-foot multifamily height maximum.

The recommended development standards for building heights are as follows:

Development Standard	Existing Standard	Recommended Standard
Building height		
Single Family Detached	none	40 feet
Townhouses	none	40 feet
2-over 2-units*	none	55 feet

Technical staff also believes that three additional development standards should be added to those proposed by the applicant. Greenway Village contains single family detached houses with garages at the rear in addition to detached houses with front garages, but the applicant has not proposed setback standards for those structures. A review of approved building permits for some of these houses shows a 15-foot building restriction line. A 15-foot setback, like that used for houses with front garages, provides an adequate “street setting” for the community. Technical staff also recommends addition of a standard for separating end units of single family attached houses. A 15-foot side yard setback reflects the separation between existing “sticks” of attached units. Finally, staff proposes setbacks from the street for accessory buildings, so that homeowners are discouraged from building sheds and other structures in the front of their homes.

The recommended additional standards are as follows:

Development Standard	Existing Standard	Recommended Standard
Setback from public street		
One Family Detached with rear garage	none	15 feet
Side Yard		
One Family Attached—distance between end units	none	15 feet
Setbacks for Accessory Buildings		
From the street line	none	60 feet
From a rear lot line	none	5 feet
From a side lot line	none	5 feet

Conformance to Master Plan

As noted earlier in this memorandum, Greenway Village is located in the Newcut Road Neighborhood. The 1994 Clarksburg Master Plan outlined three objectives for this new community: creation of a mixed-use neighborhood with a “transit-oriented land use pattern;” provision of pedestrian and bicycle connections to nearby Ovid Hazen Wells Recreational Park; and development of an “interconnected street pattern” that featured an extended Newcut Road as its Main Street.

Greenway Village has developed in accordance with these objectives. It will feature a broad mix of housing types and will be adjacent to a neighborhood retail center that will be built under its original Development Plan. A proposed amendment to that Development Plan would add an institutional use—housing for the elderly—to the uses in the retail district. Future phases of Greenway Village place multi-family housing nearer Newcut Road extended and provide them access down the neighborhood’s Main Street to the Corridor Cities Transitway. As part of the ongoing development of the community, a portion of the main Clarksburg Greenway connecting to Ovid Hazen Wells park will be built, and the already-developed parts of the neighborhood include trails that will connect to the Greenway. Phases 1 and 2 include housing blocks that are tightly spaced, with rear garages and central open spaces. There are sidewalks and street trees

along each street. This “neo-traditional” design allows the integration of blocks recommended by the master plan.

The proposed revisions do not affect the overall development pattern of Greenway Village or its relationship to the Clarksburg Master Plan.

Other Issues

Fire and Rescue Services

Montgomery County’s Fire and Rescue Service has undertaken a review of subdivision and site plans in Clarksburg, in response to issues raised regarding access for emergency vehicles in the Clarksburg Town Center. The service has reviewed the site plan for phases 1 and 2 of Greenway Village and has mandated certain changes. This memorandum recommends a condition of approval requiring the Signature Set plans to include all modifications required by the Fire and Rescue Service.

OUTREACH

Local residents have had two opportunities to discuss Greenway Village’s ongoing development with Department staff. The Clarksburg Civic Association sponsored a community meeting in December 2005, at which Community-Based Planning staff offered local residents an overview and status report of all regulatory matters for Greenway Village. Department staff attended an earlier community meeting, in November 2005, and discussed aspects of Greenway Village’s development with interested individual residents. Greenway Village does not yet have an official homeowners’ association, but Community-Based Planning staff continues to work directly with representatives of the community.

Attachments

Findings for Site Plan Review
Proposed Site Plan
Memorandum from Fire and Rescue Service

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

The proposed revisions do not affect or alter the natural resources inventory or the land use plan depicted in the Development Plan approved with Local Map Amendment G-735. This Site Plan remains consistent with that Development Plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The proposed revisions do not affect flexibility of design, integration of compatible uses or encouragement of community interaction, all stated purposes of the PD Zone. Nor do they affect approved densities or the approved mix of housing types. Requirements for compatibility and green space are unaffected as well.

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.*

Revisions proposed by this amendment do not affect the locations of buildings or structures and do not affect open spaces. Proposed revisions to bikepaths do not have a significant impact on the quality or amount of recreational facilities and do not diminish the adequacy, safety or efficiency of pedestrian or circulation systems. The addition of standards for lot size, building height and setbacks will enhance the adequacy and efficiency of the development.

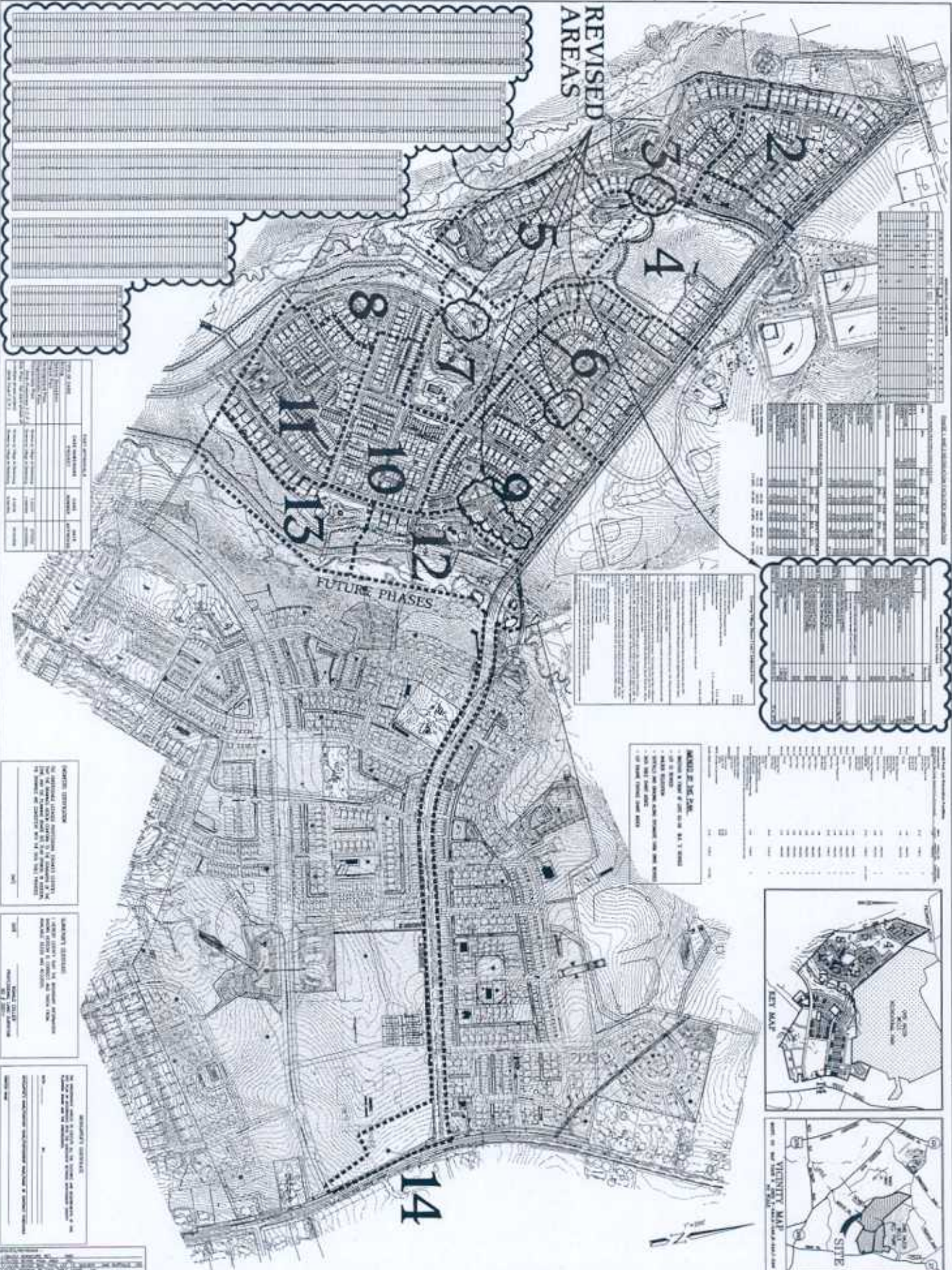
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The revisions proposed by this amendment do not affect existing or proposed adjacent development. The development remains compatible with other uses and site plans.

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

The proposed revisions do not affect forest conservation. The Amendment continues to meet applicable requirements of Chapter 22A.

REVISED
AREAS



NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	PHASE 1	1,234,567	28.3
2	PHASE 2	1,567,890	35.7
3	PHASE 3	1,890,123	43.1
4	PHASE 4	2,123,456	48.7
5	PHASE 5	2,456,789	56.2
6	PHASE 6	2,789,012	63.7
7	PHASE 7	3,123,456	71.5
8	PHASE 8	3,456,789	79.1
9	PHASE 9	3,789,012	86.7
10	PHASE 10	4,123,456	94.3
11	PHASE 11	4,456,789	101.9
12	PHASE 12	4,789,012	109.5
13	PHASE 13	5,123,456	117.1
14	PHASE 14	5,456,789	124.7
TOTAL		54,321,098	1247.8

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	PHASE 1	1,234,567	28.3
2	PHASE 2	1,567,890	35.7
3	PHASE 3	1,890,123	43.1
4	PHASE 4	2,123,456	48.7
5	PHASE 5	2,456,789	56.2
6	PHASE 6	2,789,012	63.7
7	PHASE 7	3,123,456	71.5
8	PHASE 8	3,456,789	79.1
9	PHASE 9	3,789,012	86.7
10	PHASE 10	4,123,456	94.3
11	PHASE 11	4,456,789	101.9
12	PHASE 12	4,789,012	109.5
13	PHASE 13	5,123,456	117.1
14	PHASE 14	5,456,789	124.7
TOTAL		54,321,098	1247.8

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	PHASE 1	1,234,567	28.3
2	PHASE 2	1,567,890	35.7
3	PHASE 3	1,890,123	43.1
4	PHASE 4	2,123,456	48.7
5	PHASE 5	2,456,789	56.2
6	PHASE 6	2,789,012	63.7
7	PHASE 7	3,123,456	71.5
8	PHASE 8	3,456,789	79.1
9	PHASE 9	3,789,012	86.7
10	PHASE 10	4,123,456	94.3
11	PHASE 11	4,456,789	101.9
12	PHASE 12	4,789,012	109.5
13	PHASE 13	5,123,456	117.1
14	PHASE 14	5,456,789	124.7
TOTAL		54,321,098	1247.8

AMENDED SITE DEVELOPMENT PLAN - PHASES 1 AND 2
GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG CMD ELECTRON DISTRICT
MONTGOMERY COUNTY, MARYLAND

AMENDED SITE DEVELOPMENT PLAN - PHASES 1 AND 2
GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG CMD ELECTRON DISTRICT
MONTGOMERY COUNTY, MARYLAND



AMENDED SITE DEVELOPMENT PLAN - PHASES 1 AND 2
GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG CMD ELECTRON DISTRICT
MONTGOMERY COUNTY, MARYLAND

AMENDED SITE DEVELOPMENT PLAN - PHASES 1 AND 2
GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG CMD ELECTRON DISTRICT
MONTGOMERY COUNTY, MARYLAND

AMENDED SITE DEVELOPMENT PLAN - PHASES 1 AND 2
GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG CMD ELECTRON DISTRICT
MONTGOMERY COUNTY, MARYLAND

Prelim. Plan #1-02033
Site Plan #B-02036B
NRI #4-02076

AMENDED SITE DEVELOPMENT PLAN - PHASES 1 AND 2
GREENWAY VILLAGE AT CLARKSBURG
CLARKSBURG CMD ELECTRON DISTRICT
MONTGOMERY COUNTY, MARYLAND

CPJ
Charles F. Johnson & Associates, Inc.
PLANNING - DESIGN - LANDSCAPE ARCHITECTURE - ENGINEERING

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	PHASE 1	1,234,567	28.3
2	PHASE 2	1,567,890	35.7
3	PHASE 3	1,890,123	43.1
4	PHASE 4	2,123,456	48.7
5	PHASE 5	2,456,789	56.2
6	PHASE 6	2,789,012	63.7
7	PHASE 7	3,123,456	71.5
8	PHASE 8	3,456,789	79.1
9	PHASE 9	3,789,012	86.7
10	PHASE 10	4,123,456	94.3
11	PHASE 11	4,456,789	101.9
12	PHASE 12	4,789,012	109.5
13	PHASE 13	5,123,456	117.1
14	PHASE 14	5,456,789	124.7
TOTAL		54,321,098	1247.8



FIRE MARSHAL COMMENTS

DATE: DECEMBER 30, 2005
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: BATTALION CHIEF MICHAEL A. DONAHUE, FIRE CODE ENFORCEMENT SECTION
RE: GREENWAY VILLAGE, PHASE 1 AND 2, FILE NO. 8-2002036A

PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 12-27-2005. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.