MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue Silver Spring, Maryland 20910-3760 301-495-4500, www.mncppc.org

Items 6/8/2006

MEMORANDUM

DATE:

May 26, 2006

TO:

Montgomery County Planning Board

VIA:

Michael Ma Supervisor

Rose Krasnow, Chief

FROM:

Development Review Division Frederick Vernon Boyd

Community-Based Planning Division

(301) 495-4654

REVIEW TYPE:

Major Amendment to Site Plan

CASE #:

82004022A (formerly 8-04022A)

PROJECT NAME:

Greenway Village at Clarksburg—Phases 3, 4, 5

APPLYING FOR:

Approval to: 1) add development standards for building heights and setbacks; 2) modify street designs to respond to Fire and Rescue Service requirements; 3) revise the design of Park 19 to reflect changes requested by M-NCPPC Parks staff; 4) revise street grades, intersection designs and street operations to reflect modifications requested by the Montgomery County Department of Public Works and Transportation; 5) revise the design of storm drains, stormwater management facilities and streets to reflect modifications requested by the Montgomery County Department of Permitting Services; and 6) modify the designation of bike paths for the purposes of the Site Plan Enforcement Agreement.

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:

June 8, 2006

STAFF RECOMMENDATION to amend Site Plan 82004022A: Approve the addition of development standards for building heights and setbacks; design revisions to Park 19 requested by Parks staff; street grade and street operation modifications requested by the Montgomery County Department of Public Works and Transportation; and design revisions to stormwater management facilities and streets requested by the Department of Permitting Services. All site development elements shown on plans for Greenway Village at Clarksburg—Phases 3, 4, 5 that were stamped by the M-NCPPC on February 2, 2006 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 (formerly 1-02033A) for Greenway Village at Clarksburg listed in the Planning Board opinion dated November 7, 2002; and conformance with subsequent preliminary plan amendments. (Appendix A)

2. Site Plan Conformance

The proposed development shall comply with the conditions of approval for Site Plan 820040220 (formerly 8-04022) that are listed in the Planning Board opinion dated September 28, 2004, unless modified by the subject amendment; and conformance with conditions of approval in subsequent amendments. (Appendix B)

3. Fire and Rescue Services

The development shall conform to changes mandated by the Montgomery County Fire and Rescue Service, in accordance with the memorandum dated December 30, 2005. (Appendix C)

4. Development Program

The Development Program and Site Plan Enforcement Agreement shall be amended, reviewed and approved by Staff prior to approval of the Certified Site Plan. The Applicant shall construct the development in accordance with the amended and approved Development Program and the amended and approved Site Plan Enforcement Agreement.

5. Certified Site Plan

The applicant shall submit a certified site plan, including landscape and lighting plans, forest conservation and sediment and erosion control plans, which shall include the following:

- a. Provide for the Certified Site Plan 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 an Illustrative Height and Setback Exhibit that will be the formal mechanism for determining which units may exceed 35 feet for one-family

detached units, 40 feet for one-family attached units, and 40 feet for 2-over-2 units;

- c. Provide the size of each lot for the Certified Site Plan;
- d. Provide for approval a development program, inspection schedule, amended Site Plan Enforcement Agreement and Site Plan Opinion;
- e. Show limits of disturbance;
- f. Indicate methods and locations of tree protection;
- g. Include a note stating that M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
- h. Insure location of outfalls away from tree preservation areas.

6. Park Permits

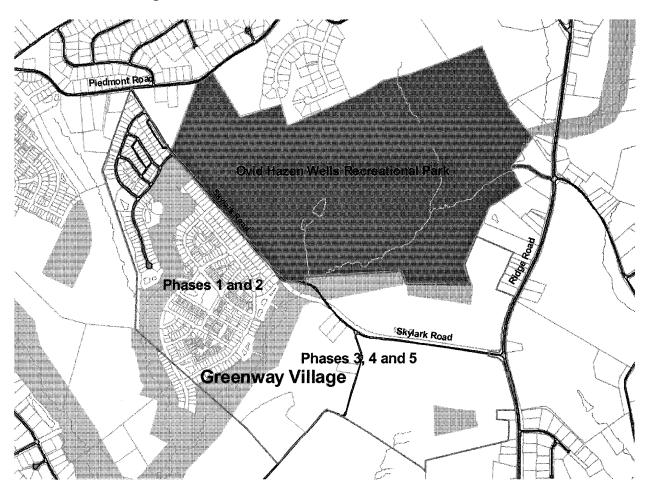
The Applicant must apply for and receive construction permits from the Department of Parks prior to construction of parks facilities.

PROJECT DESCRIPTION

I. 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 previously had been farmed and are part of what the Clarksburg Master Plan described as the Newcut Road Neighborhood.

Site Plan 82004022A revises a previously approved plan for Phases 3, 4, and 5. No certified site plan has been completed for the original approval. This portion of the community totals about 210 acres and lies east of Little Seneca Creek, south of Skylark Road and west of Ridge Road.



II. Prior Approvals

Local Map Amendment G-735

The property was 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 proposed development was found to be compatible with neighboring development. The Local Map Amendment included a Development Plan that would guide subsequent development of the property.

Preliminary Plan 120020330 and Preliminary Plan 12002033A

In 2002, the Planning Board approved Preliminary Plan 120020330 (formerly 1-02033) for the project as well as a subsequent amendment, Preliminary Plan 12002033A (formerly 1-02033A). The amended 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.

Site Plan 820020360

Also in 2002, the Planning Board approved Site Plan 820020360 (formerly 8-02036) for Phases 1 and 2 of the Greenway Village Project. The two phases contained 486 dwelling units on 164 acres, including 328 one-family detached houses and 158 one-family attached houses. Forty-nine of the one-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 820040220

Also in 2004, the Planning Board approved a Site Plan for Phases 3, 4 and 5 of Greenway Village. The approved plan included 277 one-family detached houses, 371 one-family attached houses, and 196 multi-family units, of which 118 are Moderately Priced Dwelling Units. No certified site plan has been completed for this original site plan.

Site Plan 82002036A

In 2005, the Planning Board approved an amendment to Site Plan 820020360 (formerly 8-02036) for Phases 1 and 2. This amendment, which followed 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.

III. Proposals

The applicant is proposing the following unit mix for this amendment: 276 one family detached houses, 320 one family attached houses and 248 multifamily units for a total of 844 units.

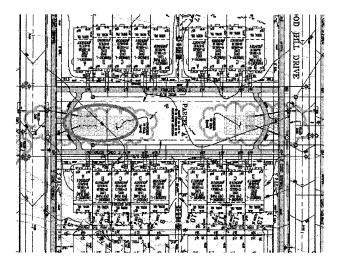
Site Plan 82004022A proposes to 1) add standards for building heights and setbacks; 2) modify street designs to respond to Fire and Rescue Service requirements; 3) revise the design of Park 19 to reflect changes requested by the Department of Parks staff; 4) revise street grades, intersection designs and street operations to reflect modifications requested by the Department of Public Works and Transportation; 5) revise the design of storm drains, stormwater management facilities and streets to reflect modifications requested by the Department of Permitting Services; and 6) modify the designation of bike paths for the purposes of the Site Plan Enforcement Agreement.

Development Standards

The original approval for Site Plan 820040220 (formerly 8-04022) did not include extensive development standards. A data table, entitled "Greenway Village General Notes," accompanies the Site Plan signature set and provides minimum lot size and setback standards for one-family detached dwelling units only. The data table makes no reference to building heights. The data table accompanying the original Preliminary Plan, however, refers to a maximum building height of four stories.

The Zoning Ordinance does not require the Planning Board to make specific determinations regarding building heights or setbacks as part of its review of a site plan. The Ordinance does require that submitted plans include information on building heights. In this case, the Applicant did not submit, planning staff did not recommend, and the Planning Board did not set height and setback standards as part of a development data table in the original Site Plan approval.

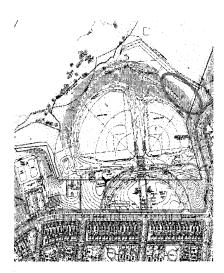
Fire and Rescue Services



Montgomery County's Fire 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 plans for Greenway Village and mandated certain changes has contained in a memorandum that will improve access for emergency vehicles. This memorandum recommends a condition of approval requiring the Certified Site Plans to

include all modifications required by the Fire and Rescue Service. The accompanying drawing offers an example of the required modifications. In it, grasscrete pavers have been added to the open space in front of two groups of attached houses so that emergency vehicles can have improved access. Where needed, lots will be modified to accommodate these proposals.

Park 19



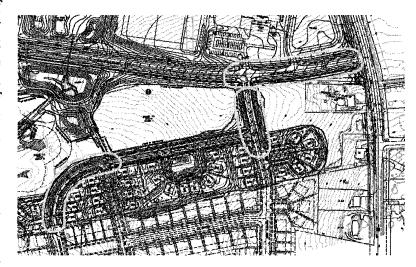
Greenway Village includes a local park that is located north of Skylark Road and west of Ridge Road, adjacent to Ovid Hazen Wells Recreational Park. As part of the overall project, the developer of Greenway Village will construct the park's facilities, which include baseball fields, basketball courts, picnic shelters and other play areas. This amendment revises the location of the baseball fields and revises the design of the semi-circular driveway that marks the entrance to the local park. These revisions, made at the request of Parks Department staff, will protect a forested stream valley buffer by limiting encroachment of the baseball fields. The Applicant must apply for and receive a construction permit from the Department of Parks prior to construction.

Street Design and Operational Improvements

To meet the requirements of the Montgomery County Department of Public Works and Transportation (DPWT), the Applicant has revised street grades in several areas of the community. In some areas, for example, grading modifications are needed to keep water and sewer pipes at acceptable depths. The Applicant has also revised the location of sidewalk ramps and modified turning radii in some intersections. Two streets—Sweet Flag Circle and a portion of Arora Hills Drive—will be one way, and the design of Little Seneca Parkway (A-302) has been modified to redirect storm drainage in some areas to one side of the road and to include median breaks at its intersections with Spicebush and Sweetspire Drives.

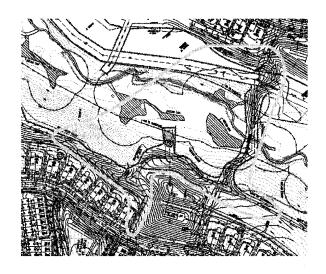
The Department of Permitting Services (DPS) has also required redesign of roads and streets in the vicinity of Little Seneca Parkway and Ridge Road. To improve circulation

at the intersection of Little Seneca Parkway and Ridge Road and at entrance to the middle school planned for this area, a portion of the parkway that now features an open section will be redesigned to include a closed section. The overall design of the parkway remains substantial compliance with the requirements outlined in Preliminary



Plan 12002033A. Improvements to MD 27 that were required by the State Highway Administration as part of the Preliminary Plan review have been incorporated into the proposed site plan for this portion of the community. Also at the request of DPS, portions of Peppervine and Muscatine Drives have been redesigned with closed sections and the pavement width on a segment of Peppervine Drive has been increased from 26 feet to 36 feet. These revisions comply with requirements outlined in the Preliminary Plan.

Storm Drain and Stormwater Management System Design Modifications



In response to requests made by DPWT and DPS in the course of their review, Applicant also has modifications to the design of the storm drain system along Newcut Road in the vicinity of Cliffrose Drive. revisions are a necessary response to modifications stormwater to In addition, management systems. detailed stormwater management designs necessitate revision of grading, outfall locations, and access points for management several stormwater

facilities in the community. Modifications of this type, a sample of which is shown, respond to field conditions uncovered during detailed design of the systems and can minimize the amount of grading and/or tree clearing needed to construct them.

Bike Paths

Greenway Village contains a number of bike paths that will provide significant recreational opportunities for both neighborhood residents and regional users. Phases 3, 4 and 5 of the project include construction of the Clarksburg Greenway, an important contribution to the area's recreational facilities, as well as several bike paths designed to connect residential blocks with the Greenway. The original Site Plan Enforcement Agreement for the project had designated the connecting bike paths as "local recreational facilities" and generally required them to be completed and conveyed to a homeowners' association when 70 percent of the units in the phase had closed on title. The Applicant encountered obstacles to the timely completion of the Skylark Road bike path in Phases 1 and 2

Two bike paths in the later phases of Greenway Village located along Little Seneca Parkway and Arora Hills Drive are likely to serve subregional riders in addition to neighborhood residents. Little Seneca Parkway is an arterial route that connects MD 27 and the Mid-County Highway, while Arora Hills Drive provides access to a new local park, described in this report as "Park 19." The Applicant proposes to re-designate these bike paths as "community-wide recreational facilities," which the Applicant would complete and convey according to the schedules set in the Site Plan Enforcement Agreement.

ANALYSIS

I. Conformance to Development Standards

The PD Zone, unlike more narrowly drawn Euclidean zones, contains no specific standards for building height or setbacks. Section 59-C-7.11 of the Zoning Ordinance states in part that 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 are necessary, even in the context of the flexible development encouraged and allowed in the PD Zone, because they are needed to determine the proposed development's compatibility with existing or proposed adjacent development. In addition, these development standards are needed to insure that the overall design objective outlined in the zone's purpose clause is met. In addition, Section

59-D-3.23 of the Zoning Ordinance generally requires that the contents of a site plan include the "location, height, ground coverage and use of all structures."

Because the PD Zone does not set forth specific development standards, the best method for determining appropriate standards is by comparison. Generally, the higher density one-family detached zones, which allow densities in the range of the four units per acre set for Greenway Village, permit maximum building heights of 40 feet. A review of pending permits performed last year as part of the ongoing review of building permit activity in Clarksburg indicates that one-family detached houses in Phases 1 and 2 of Greenway Village generally are being built to heights of 30 feet to 35 feet. Twenty-two one-family detached dwelling units in Phases 3, 4 and 5 of a total of 276 units require heights between 35 feet and 40 feet on their designated lots.

The added height is not attributable to the applicant's desire to construct taller homes. Instead, it is largely the result of the County's chosen method of measuring building heights. Topography also influences the measured heights of these particular dwelling units. In designated areas (within 35 feet of a public street, for example), the County requires that building heights be measured from the street, not the base of the building. This means that, in this example, the same type of house may have different measured heights depending on its location in relation to a public street. Staff believes it is appropriate to allow, in carefully specified areas only, a maximum building height of 40 feet for one-family detached dwelling units. This should allow adequate leeway for measuring requirements, grading, and topographic variations in the specified areas.

Although the County's existing residential townhouse zones require maximum building heights of 35 feet (40 feet when MPDUs are required), and although a similar review of recently approved building permits for Greenway Village indicates that one-family attached houses are being built to 35-foot maximum heights, the Applicant is requesting a 45-foot maximum to meet its design standards and allow for measuring requirements, grading, and topographic variations. Sixty-six units (of 320 total) in Phases 3 through 5 require heights between 40 feet and 45 feet. Staff is persuaded that physical conditions and regulatory requirements in some sections of Greenway Village warrant a 45-foot maximum height for one-family attached houses in those areas.

To accommodate construction of 2-over-2 units in areas whose topography requires building entrances several feet higher than the street grade, Staff recommends a 55-foot multi-family height maximum in those areas. Thirty-eight (of 248 total) units in Phases 3 through 5 require building heights between 50 feet and 55 feet.

The applicant has provided a detailed drawing, entitled "Illustrative Height and Setback Plan," which shows the range of heights for all residences in the Greenway Village community. Staff recommends that this drawing be made part of the Certified Site Plan and that it be used to determine where dwelling unit heights may exceed 35 feet for one-family detached dwelling units, 40 feet for one-family attached dwelling units, and 40 feet for 2-over-2 units. No one family detached house may exceed 40 feet; no one family attached house may exceed 45 feet; and no 2-over-2 unit may exceed 55 feet.

The recommended development standards for building heights are as follows:

Development Standard	Approved with Site Plan 820040220	Signature Set "General Notes"	Proposed for Approval with Site Plan 82004022A
Building Height			
One-family Detached	None	No reference	35 feet, except for 22 houses indicated on Illustrative Height and Setback Exhibit, which may not exceed 40 feet
One-family Attached	None	No reference	40 feet, except for 66 houses indicated on Illustrative Height and Setback Exhibit, which may not exceed 45 feet
2-over-2 units	None	No reference	40 feet, except for 38 houses indicated on Illustrative Height and Setback Exhibit, which may not exceed 55 feet

Staff also believes that two additional development standards should be added to those proposed by the Applicant. Staff recommends addition of a standard for separating end units of single-family attached dwelling units. An 8-foot distance reflects the separation between existing "sticks" of attached units. Staff also 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	Approved with Site Plan 820040220	Signature Set "General Notes"	Proposed for Approval with Site Plan 82004022A
Distance between			
adjacent end units of			
main buildings			
One-family	None	No reference	8 feet
Attached			
Setbacks for			
Accessory Buildings			
From the public street			
line			
One-family	None	No reference	60 feet
Detached			
One-family	None	No reference	5 feet
Detached on			
corner lot			
when adjacent			
lot does not			
front on street			
From rear and side lot			
lines			
Detached	None	No reference	0 feet
garage		-	
All other	None	No reference	5 feet
structures		_ ,	

A table providing a complete set of Development Standards for Phases 3, 4 and 5 of Greenway Village is attached to this report.

II. Conformance to Master Plan

As noted earlier in this memorandum, Greenway Village is located in the Newcut Road Neighborhood. The 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 the original Development Plan. Phases 3, 4 and 5 of Greenway Village place multi-family housing nearer to 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. The previously constructed parts of the neighborhood include trails that will connect to the Greenway. The community features 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 Master Plan provided guidelines for an appropriate mix of dwelling unit types in the neighborhood: 45 percent to 55 percent detached, 35 percent to 45 percent attached and 10 percent to 20 percent detached. The overall mix of dwelling units for this project—604 detached units (45 percent), 478 attached units (36 percent) and 248 multi-family units (19 percent)—meet the master plan guidelines. The original preliminary plan approval for the project had specified a somewhat different mix of units, including a "manor house," that do not appear to meet the master plan's guidelines.

The proposed revisions do not affect the overall development pattern of Greenway Village or its relationship to the Clarksburg Master Plan. Planning staff finds that this amendment is in conformance with the Clarksburg Master Plan.

OUTREACH

Local residents have had three opportunities to discuss Greenway Village's ongoing development with Staff. The Clarksburg Civic Association sponsored community meetings in December 2005 and January 2006, at which Staff offered local residents an overview and status report of all regulatory matters for Greenway Village. Staff attended an earlier community meeting, in November 2005, where they discussed aspects of Greenway Village's development with interested individual residents. Greenway Village does not yet have a homeowners' association that is run by its residents, but Staff continues to work directly with representatives of the community.

CONCLUSION

Planning staff recommends approval of this site plan amendment with the conditions outlined at the beginning of this report.

Development Data Table

Development Standard	Approved with Site Plan 820040220	Signature Set "General Notes"	Proposed for Approval with
7000	DD 4	PD-4	Site Plan 82004022A
Zone Minimum Area of	PD-4 None		PD-4
	None	374 acres	374 acres
Development	1496	1330	1330
Dwelling Units (at 4	1490	1330	1330
units to the acre) One-family	11 novemb	605	604
Detached	44 percent		
	(Development Plan)	(45 percent)	(45 percent)
One-family	37 Percent	529	478
Attached	(Development Plan)	including MPDUs	including MPDUs
3.6.1.1.0.11	10	(40 percent)	(36 percent)
Multi-family	19 percent	196	248
	(Development Plan)	including MPDUs	including MPDUs
		(15 percent)	(19 percent)
MPDUs	12.5 percent	167	167
		(12.5 percent)	(12.5 percent)
Minimum Lot Area			
(square feet)			
One-family	None	Varies	3,700
Detached			
One-family	None	No reference	1,500
Attached			
Attached	None	No reference	1,150
MPDU			
Minimum Lot Width	None	No reference	18 feet
at Front Building			
Line			
Setback from Public			
Street			
One-family	None	15 feet	15 feet
Detached			
One-family	None	No reference	5 feet
Detached on			
corner lot			
when adjacent			
lot does not			
front on street			
One-family	None	No reference	5 feet
Attached			
2-over-2 units	None	No reference	10 feet

Development Standard	Approved with Site Plan 820040220	Signature Set "General Notes"	Proposed for Approval with Site Plan 82004022A
Rear Yard			
One-family Detached with front garage	None	As shown on site plan	20 feet
One-family Detached with rear garage	None	As shown on site plan	0 feet
One-family Attached with rear garage	None	No reference	0 feet
2-over-2 units	None	No reference	0 feet
Side Yard			
One-family Detached with front garage	None	4 feet	4 feet
One-family Detached with rear garage	None	3 feet	3 feet
One-family Attached	None	No reference	0 feet
2-over-2 units	None	No reference	0 feet
Lot Coverage			
One-family Detached	None	No reference	60 percent
One-family Attached	None	No reference	75 percent

Development	Approved with	Signature Set	Proposed for
Standard	Site Plan 820040220	"General Notes"	Approval with
			Site Plan 82004022A
Building Height			
One-family	None	No reference ¹	35 feet, except for 22
Detached			houses indicated on
			Illustrative Height and
			Setback Exhibit, which
			may not exceed 40 feet
One-family	None	No reference ¹	40 feet, except for 66
Attached			houses indicated on
			Illustrative Height and
			Setback Exhibit, which
			may not exceed 45 feet
2-over-2 units	None	No reference ¹	40 feet, except for 38
			houses indicated on
			Illustrative Height and
			Setback Exhibit, which
	40		may not exceed 55 feet
Green Space	40 percent	57 percent	55 percent
TO:-4 1 -4			(207 acres)
Distance between			
adjacent end units of			
main buildings One-family	None	No reference	8 feet
Attached	TAOHC	140 reference	o leet
Setbacks for		<u>,, 19,9,, 97 - 5, 1 1949 - 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 </u>	
Accessory Buildings			**
From the public street			
line			
One-family	None	No reference	60 feet
Detached			
One-family	None	No reference	5 feet
Detached on			
corner lot			
when adjacent			
lot does not			
front on street			
From rear and side lot			'4
lines			
Detached	None	No reference	0 feet
garage			
All other	None	No reference	5 feet
structures	the Preliminary Plan show		

¹ The "General Notes" to the Preliminary Plan show a maximum building height of four stories.

Attachments

Findings for Site Plan Review Proposed Site Plan Memorandum from Fire and Rescue Service Opinion--Site Plan 820040220 (formerly 8-04022)