

MEMORANDUM

DATE: June 12, 2006  
TO: Montgomery County Planning Board  
Michael Ma Supervisor  
VIA: Rose Krasnow, Chief *RK*  
Development Review Division  
FROM: Frederick Vernon Boyd *FVB*  
Community-Based Planning Division  
(301) 495-4654



REVIEW TYPE: **Major Amendment to Site Plan**  
CASE #: **82002036B**  
PROJECT NAME: Greenway Village at Clarksburg—Phases 1 and 2

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 conditions of approval for construction of the pool complex; 4) relocate a mailbox cluster; 5) modify grading for a stormwater management outfall; 6) add an optional retaining wall to a single lot; 7) revise the types of playground equipment provided at a single multi-age play area; 8) modify grading for a stormwater management facility in Block A; 9) change the timing for the completion of the bikepath along Skylark Road and 10) modify the location and width of the bikepath on Persimmon Ridge 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: June 22, 2006

**STAFF RECOMMENDATION:** Approve: 1) the addition of development standards; 2) a revision of the timing for the completion of the pool/clubhouse facility; 3) the relocation of a mailbox cluster; 4) the realignment and change in width of a bike path; 5) modification of grading for a stormwater management outfall; 6) construction of a retaining wall on an individual lot; 7) a revision of the timing for the completion of the bike path along Skylark Road; 8) the revision to the type of multi-age playground equipment; 9) the modification of street designs to respond to Fire and Rescue Service requirements and 10) the modification of grading for a stormwater management facility in Block A. All site development elements shown on plans for Greenway Village at Clarksburg—Phases 1 and 2 that were received by the M-NCPPC on June 9, 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 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 820020360 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. (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 27, 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. The amended and approved Development Program shall include the following:

- a. The proposed pool house and community center complex in Park 3 shall be completed within nine months of the issuance of a building permit for the complex by the 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.

## 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. A data table (approved by the Board as part of the June 22, 2006 hearing on alleged violations and other deviations) 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. A Height and Setback Exhibit that will be the formal mechanism for determining which one-family detached units may exceed 35 feet (but can be no higher than 40 feet) and which one-family attached units may exceed 40 feet (but can be no higher than 45 feet);
- c. The size of each lot shown on the site plan drawings;
- d. A development program, inspection schedule, amended Site Plan Enforcement Agreement and Site Plan Resolution;
- e. The limits of disturbance;
- f. The methods and locations of tree protection;
- g. A note stating that M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
- h. The location of outfalls such that they are 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.

Site Plan 82002036B 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.



## **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.

### **PROJECT DESCRIPTION:           Proposals**

Site Plan 82002036B proposes to 1) add standards for building heights and setbacks; 2) modify street designs to respond to Fire and Rescue Service requirements; 3) revise conditions of approval for construction of the pool complex; 4) relocate a mailbox; 5) modify grading for a stormwater management outfall; 6) add an optional retaining wall to a specific lot; 7) revise the types of playground equipment provided at a single multi-age play area; and 8) modify grading for a stormwater management facility in Block A.

### **SITE PLAN AMENDMENTS**

#### *Development Standards*

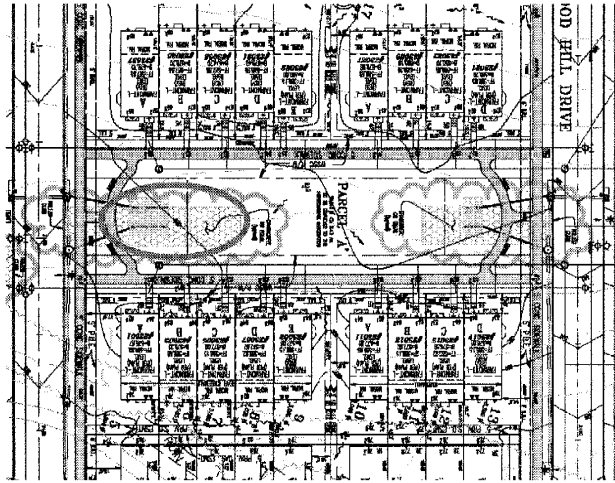
As discussed in the staff report regarding the alleged violations and other deviations in Greenway Village, the original approval for Site Plan 820020360 (8-02036) did not include extensive development standards. Therefore, staff recommended, as part of the hearing on alleged violations, that the Board adopt a complete set of development standards. The purpose of this amendment is to incorporate the standards approved by the Board.

Staff is aware that the corrective order approved by the Board on June 8, 2006, set standards for the thirty-two units in Phases 1 and 2 that have not yet received building permits and that the majority of the units in these two phases are already complete and occupied. Nevertheless, it is important to set standards that will govern in the event that a homeowner wishes to make modifications to a dwelling or in case a unit is destroyed and must be rebuilt.

#### *Realignment and change in the width of a bike path and revision to the timing for the completion of the bike path along Skylark Road*

As discussed in the staff report regarding alleged violations, the applicant failed to complete the bikepath along Skylark Road adjacent to Phases 1 and 2 in a timely manner and moved and narrowed a bike path without seeking the prior approval of the Board. Assuming that the Board reaches a decision regarding these alleged violations, and, if necessary, adopts a Plan of Compliance, the changes relating to these two bikepaths need to be incorporated into the approved site plan through an amendment.

### *Fire and Rescue Services*



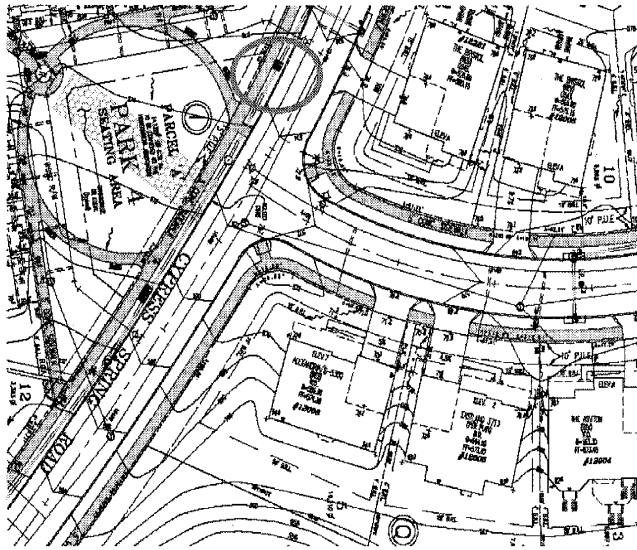
Montgomery County's Fire and Rescue Service has undertaken a review of subdivision and site plans in Clarksburg, in response to issues raised regarding access for emergency vehicles in the Clarksburg Town Center. The service has reviewed the site plans for Greenway Village and has mandated certain changes 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.

### *Pool Complex*

A previous amendment to this site plan (82002036A) 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 and certified site plan for the amendment made it impossible to meet either of these timing requirements. This amendment would require the applicant to complete the pool/clubhouse within nine months of the issuance of a building permit for the project by the Department of Permitting Services.

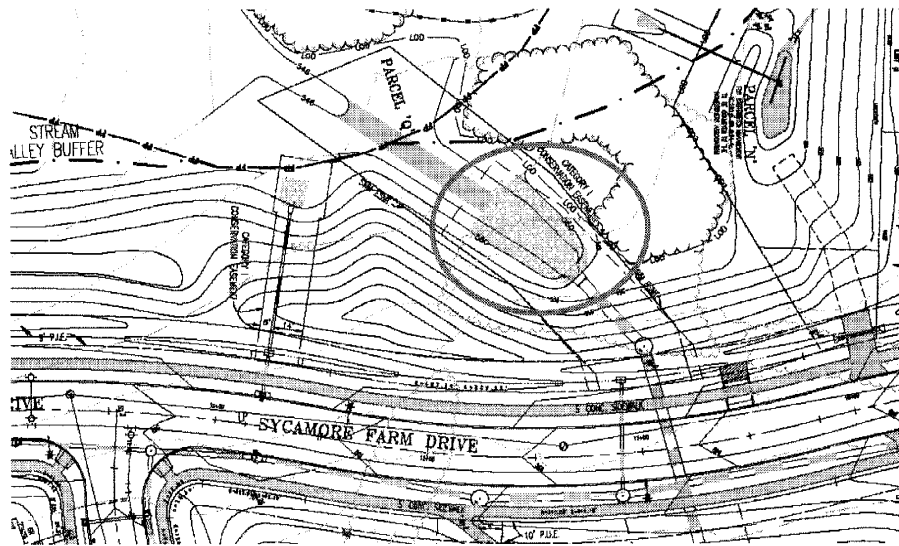
### *Mailbox Relocation*



The original site plan for Greenway Village included locations for mailbox clusters that would serve small groups of homes throughout the community. One such cluster was 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, and with the agreement of the US Postal Service, has agreed to relocate the mailbox to an area along Cypress Spring Road that is designated as open space managed by the homeowners' association.

### *Modified Stormwater Management Outfall*

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

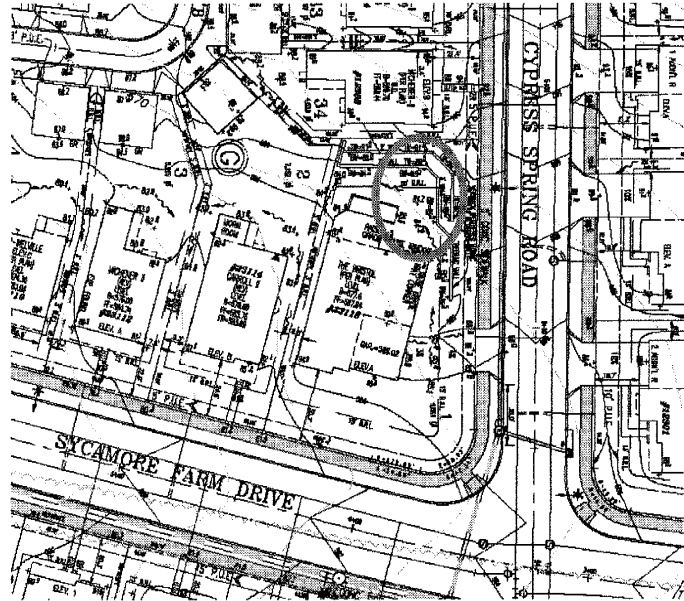


stormwater. Extending the length of the outfall requires revised land grading in the area of the outfall. The applicant proposes to alter the grading as part of this amendment. Environmental Planning staff has reviewed this proposal and recommends its approval.



### *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 allow correction of the difference in elevation by constructing a retaining wall, if desired by a future homeowner, in the portion of the lot nearest Lot 34, Block G, which is immediately adjacent on Cypress Spring Road.



### *Multi-Age Playground Equipment*

Several of the parks that are part of the Greenway Village community contain multi-age playground equipment. The approved landscape plan includes detailed information on the types of equipment to be installed. The applicant proposes changes in several specific pieces of equipment at park 1A and has revised the landscape plan to show the new pieces. The new pieces can be considered the equivalent of the approved equipment. Detailed specifications of the new playground equipment will be included in the certified site plan.

### *Modification of Grading for a Stormwater Management Facility*

Site grading done by a home builder for an individual lot in Block A resulted in a change to the grading for a sand filter on a common parcel directly adjacent to three lots. To bring the area in back into compliance with the approved site plan, grading will be revised in the rear of lots 69-71, Block A. A retaining wall may be necessary to address the drainage issues that resulted from the initial site grading.

## **ANALYSIS**

### **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 multifamily. 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.