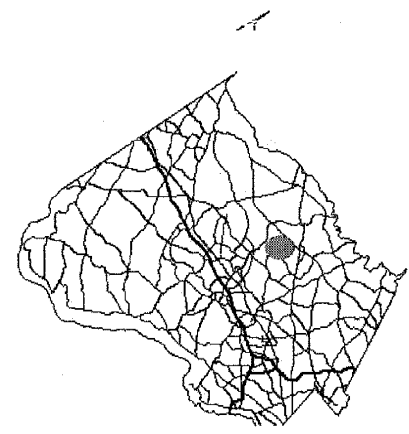


**MEMORANDUM**

DATE: July 7, 2006  
 TO: Montgomery County Planning Board  
 VIA: Rose Krasnow, Chief  
 Michael Ma, Supervisor  
 FROM: Robert A. Kronenberg  
 Development Review Division  
 (301) 495-2187

*Handwritten initials: RAK, MK, and others*



REVIEW TYPE: Site Plan Review  
 CASE #: 82003023A  
 PROJECT NAME: Gateway Commons  
 APPLYING FOR: Approval of amendment to Site Plan 820030230 to 1) reflect minor adjustments to building locations and footprints and removal of the basements of some units; 2) the adjustment of certain grades, 3) the deletion and addition of certain retaining walls; 4) the relocation of a driveway and historical marker in Dowden's Ordinary; 5) modifications to curbs and sidewalks and the deletion of the Latrobe Lane traffic circle and median; 6) the provision of emergency access driveways to private streets; 7) the reduction in the overall number of dwelling units from 292 to 286 and 8) the clarification of the development notes and tables to reflect the proposed changes and clarify and define items.

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

ZONE: R-200/TDR-7  
 LOCATION: Southwest quadrant of the intersection of Stringtown Road and MD 355 (Frederick Road)  
 MASTER PLAN: Clarksburg Master Plan  
 APPLICANT: Gateway Commons, LLC, c/o U.S. Home Corp.  
 FILING DATE: March 31, 2006  
 HEARING DATE: July 20, 2006

**STAFF RECOMMENDATION:** Approval of Site Plan amendment 82003023A to reflect minor adjustments to building locations and footprints and removal of the basements of some units; the adjustment of certain grades, the deletion and addition of certain retaining walls; the

relocation of a driveway and historical marker in Dowden's Ordinary; modifications to curbs and sidewalks and the deletion of the Latrobe Lane traffic circle and median; the provision of emergency access driveways to private streets; the reduction in the overall number of dwelling units from 292 to 286 and the clarification of the development notes and tables to reflect the proposed changes and clarify and define items. All site development elements as shown on the Gateway Commons Site Plan Amendment plans stamped by the M-NCPPC on June 13, 2006, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan #120020480 as listed in the Planning Board opinion dated August 13, 2002 [Appendix A].

2. Site Plan Conformance

The proposed development shall comply with the conditions of approval for Site Plan #820030230 as listed in the Planning Board opinion dated November 18, 2003 [Appendix B], except as modified by this amendment.

3. Site Design

Label the setbacks, building restriction lines and respective building envelopes for all of the unit types.

4. Dowden's Ordinary Park and Historic Preservation

The Applicant shall comply with the conditions of approval from site plan 820030230, except as modified by the following conditions of approval in the memorandum from Park Development Division dated July 6, 2006 [Appendix C]:

a. Applicant shall dedicate "Parcel B" consisting of approximately 2.84 acres and located at the corner of Route 355 and extended Stringtown Road to M-NCPPC. The final area to be dedicated to be adjusted to exclude areas on which retaining walls have or will be constructed, except the wall at the Route 355/Stringtown Road corner. The dedicated site shall be conveyed free of trash and unnatural debris and the boundaries staked and signed by the Applicant to delineate between parkland and private properties. The additional 50-foot utility easement requested by Allegheny Power shall be sited to not impact the historic site limits of disturbance shown on the approved site plan. The applicant shall provide protective fencing around all limits of disturbance areas prior to site construction. Allegheny Power shall locate three utility poles along the Frederick Road frontage to minimize conflict with the approved site plan opinion. The first pole shall be located on the adjacent residential property easement obtained by Allegheny Power; the second pole shall be located along the frontage of 355; and the third pole shall be located at the corner of Stringtown Road and Frederick Road. M-NCPPC staff shall review and approve final pole locations. *[This modified condition replaces condition 4(a) from site plan 820030230]*

b. Applicant shall construct on dedicated park property the following amenities: A "ghost structure" recreation shall be constructed of the historic Dowden's Ordinary including stone seating walls, flagstone flooring, and interpretive panels. The structure to be approximately 16' x 30' and constructed of corten steel. The architecture shall include two brick chimneys, two dormer

windows, porch with overhead roof frame/support posts, and an outline doorframe entrance. M-NCPPC Park Development Staff shall approve final architectural design. Three interpretive panels shall be provided with photos and wording selected and approved by M-NCPPC historic preservation staff; panels shall be located at a) the Dowden's Ordinary original tavern structure site, b) the Dowden's Ordinary ghost structure site, and c) the cannon replica site. *[This modified condition replaces condition 4(b) 1 from site plan 820030230].*

- c. Applicant to construct on dedicated park property the following amenities: Appropriate sculptural recreational pieces or other recreational amenities to serve the park, historic and neighborhood needs in the play area shall be acceptable to M-NCPPC staff and Applicant. The pieces may be historic in nature and be compatible with the history surrounding the Dowden's Ordinary. A 3 lb. metal cannon replica and companion metal carriage, as approved by M-NCPPC staff, shall be provided adjacent the main pathway (securely anchored according to cannon manufacturer specifications) and shall include a secure welded stack of cannon balls which shall be placed in the park with coordinating interpretive signage as an amenity. An interpretive sign (including historic photos and text) shall be located at the cannon replica site. . *[This modified condition replaces condition 4(b) 7 from site plan 820030230].*
- d. Applicant to construct on dedicated park property the following amenities: A bike rack shall be located near the park entrance off Route 355 which shall consist of four (4) cannon carriage wheels (secured or direct buried into pavement) to compliment the historic cannon carriage and blend with the historic site context. The cannon wheel bike rack shall include small signage that states "bike rack use". Bike rack design to be approved by M-NCPPC staff. *[This modified condition replaces condition 4(b) 8 from site plan 820030230]*
- e. Applicant to construct on dedicated park property the following amenities: Native trees consistent with the Dowden's Ordinary historic period shall be used in selected locations throughout the park site. Final choice of tree locations and species to be determined in coordination with M-NCPPC staff and acceptable to staff and the applicant. Existing trees and shrubs along the property line shall be selectively cleared along with exotic and invasive species as determined by M-NCPPC staff. New plant material shall be provided to define park boundary edges along the proposed historic fence line. *[This modified condition replaces condition 4(b) 10 from site plan 820030230]*
- f. Grading of the park site to result in slopes of no greater than 3:1 unless necessary to avoid grading on or near any locations that M-NCPPC staff determines may contain archeological artifacts. Staff to advise applicant of any grading restrictions in park site based on archeological artifacts within 90 days of the site plan approval. All 3:1 slope areas along Frederick Road (355) and Stringtown Road shall be sodded as well as the high activity area adjacent the playground area. Final sod limits to be determined by M-NCPPC staff.

The sod installation shall be provided to ensure stabilization of the 3:1 slope areas and prevent soil from running off-site into the storm water management systems. The remaining park site shall be stabilized with a seed and straw method. *[This modified condition replaces condition 4(c) from site plan 820030230]*

- g. All park amenities to be constructed to park standards and specifications if available. Specifications for benches, walls, ghost structure, trails, recreational pieces, bicycle racks, historic signage and all other features built within the park to be submitted to M-NCPPC staff for approval prior to construction of park features.

1) Fencing –

Shall be a rustic split rail “V” fence replica of the 1765 period. Fencing shall be located along the east park boundary adjacent residential home, along the north park boundary of Route 355 (approximately 155 linear feet. along the 3:1 slope border for safety purposes; extending from the relocated boulder to the proposed bike rack area) and along the south park boundary reforestation area (approximately 150 linear feet. along the 3:1 slope border for safety purposes; extending to the pedestrian path for safety measures).

2) Dowden’s Ordinary Site –

Shall be protected and marked in field by constructing an 18-inch height historic type bollard & chain guard (black paint) as determined by Historic Preservation staff.

3) Trail –

Shall contain coordinated trail signage to match a modified Dowden’s Ordinary tavern type sign and include a handrail design consistent with the historic elements of the park as determined by M-NCPPC staff.

4) Benches –

Shall provide 6-foot length teak wood benches similar to a Monarch style bench

5) Lighting –

Shall provide two (2) historic gas-type style wood post lights to be located near the entrance to the ghost structure as determined by the M-NCPPC staff; style of fixture to be reviewed and approved by M-NCPPC staff.

*[This modified condition replaces condition 4(f) from site plan 820030230].*

5. Landscaping

- a. Provide an optional landscape plan in conjunction with the “Optional Retaining Wall Grading Plan” behind proposed one-family lots 1-5 to include an evergreen buffer mixed with deciduous trees.
- b. Provide a detail for each paving element or treatment for the walkways, paths, plaza areas and specialty facilities.
- c. Provide the location of all of the fixed site features (i.e. lights, hydrants, signs, etc.) that will also accurately reflect the location of the plant material.

6. Lighting
  - a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
  - b. All light fixtures shall be full cut-off fixtures or able to be equipped with shields, refractors or reflectors.
  - c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
  - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
  - e. The height of the light poles shall not exceed 16 feet including the mounting base.
7. Recreation Facilities

Revise the Recreation calculations to be consistent with the total number and mix of units.
8. Fire and Rescue

The Applicant shall comply with the memorandum of approval from the Fire Marshall dated March 1, 2006 [Appendix C].
9. Moderately Priced Dwelling Units (MPDUs)
  - a. The Applicant shall provide 43 Moderately Priced Dwelling Units (12.5% of the total number of units) within the building, consistent with Chapter 25A.
  - b. The MPDU agreement shall be executed prior to the release of the first building permit.
  - c. If all of the required MPDUs are not provided on-site, a Site Plan amendment application shall be filed by the applicant and approved by the Planning Board prior to issuance of any building permit.
10. Transferable Density Rights (TDRs)

Prior to issuance of any building permit, the applicant shall provide verification of the availability of the required 128 transferable development rights (TDRs) for the proposed development.
11. Stormwater Management (SWM)

The proposed development is subject to Final SWM and Sediment Control Plans approved on October 14, 2004 and reconfirmation of the Stormwater Management Concept dated March 24, 2006 [Appendix C], unless amended and approved by the Department of Permitting Services (DPS).
12. Development Program

Applicant shall construct the proposed development in accordance with the Development Program and Site Plan Enforcement Agreement. The Development Program and Site Plan Enforcement Agreement shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program and revised Site Plan Enforcement Agreement shall include a phasing schedule as follows:

  - a. Recreation facilities on the east side of Observation Drive, shall be completed prior to issuance of building permits for the 112<sup>th</sup> unit based upon the units on the east side of Observation Drive.
  - b. Recreation facilities on the west side of Observation Drive, shall be completed prior to issuance of building permits for the 89<sup>th</sup> unit, based upon the units on the west side of Observation Drive.

- c. Community-wide pedestrian pathways and recreation facilities, including the tot lot and multi-age play areas, shall be completed prior to issuance of building permit for the 200<sup>th</sup> unit of the entire development.
- d. Provide staff a copy of the off-site grading easement for the proposed one-family lots 1-5 for the elimination of the retaining walls prior to the issuance of a permit for the proposed lots.

13. Certified Site Plan

Prior to approval of the certified site plan the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Resolution.
- b. Revised data table and development standards.
- c. Details of the recreation facilities bases and perimeters, including the surface material (micro-engineered wood fibers), timber borders, access to the walkways and underdrains, for all of the facilities.
- d. A key map and matchline number on each sheet.

## **Summary of the Proposed Amendment to the Original Site Plan**

The original site plan application (820030220) was approved by the Planning Board on July 24, 2003 for Gateway Commons for a total of 292 dwellings including 27 one-family detached units and 93 townhouses, 88 multi-family units and 84 attached units, inclusive of 44 MPDUs and 128 TDRs on 45.24 acres. An opinion was issued on November 18, 2003. The signature set was approved on August 10, 2004.

Site Plan issues were extensive during the original review and approval of this project. The bulk of the issues were generated from attempting to achieve the Master Planned densities on a site that had several significant constraints, including special protection area storm water management treatment that increased the SWM facility size; new forest conservation legislation that increased the tree preservation areas on site; the presence of two major roads and one minor road intersecting at the center of the site; the park dedication and developing an appropriate entry into Clarksburg given the topographical constraints. All of these issues were resolved with the approval of the original site plan.

The majority of the site is under construction, including the public roads and their associated bike paths, the private roads and courts, parking areas, utility connections and stormwater management facilities. Permits for the buildings have not been signed off by M-NCPPC nor have they been issued by the Montgomery County Department of Permitting Services.

The subject "A" amendment to Gateway Commons was initiated by the Applicant to address architectural, engineering and construction changes, as well as changes requested by county agencies.

The following narrative identifies the requested change to the approved plan followed by a point-by-point response of why the change occurred, who initiated the change and the recommendation by staff:

### **1. Minor adjustments to building locations and footprints and removal of the basements of some units.**

The Applicant has modified the design of the one-family detached and multi-family units. The new architectural plans include the revisions to first floor elevations of some of the unit types, which in turn necessitated modifications to the site such as lead walks, driveway slopes and lot grading.

Many of the unit revisions accurately reflect the builders' architectural prototypes. The lots have all been recorded and the pad sites for all of the units have been rough graded.

### **2. Adjustment of certain grades**

Proposed grades associated with the units have changed due to final engineering and selection of models appropriate for the selected lots. The lot grading shown on the amended plans is intended for the construction and drainage of the specific lot only.

Adjacent lot grading, except for the proposed driveway and house location is illustrative and subject to change based upon the final engineering for the specific lot and unit. Driveway grades have also been changed to reflect architectural considerations and final engineering. All of the private and public roadways have been constructed in conformance with the site plan, except as modified by the requirements by the Fire Marshall, and in conformance with Montgomery County standards for road construction.

The Applicant is also requesting a change to the grades in the area of the adjacent parcels (N414, Lot 8, part of Lot 7 and N452, lot 1-Hammermill) southeast of the proposed Dowden's Ordinary Park, but only if the adjacent property owners grant a grading easement on their properties in return for sewer service. Subsequently, the grading will need to be modified in the rear of proposed one-family lots 1-5 that back up to the adjacent lots previously referenced.

Staff recommends approval of the changes to the grading in the specified areas to accommodate final engineering and elimination of retaining walls on the adjacent parcels, only if an easement is granted by the owners of the parcels. If the owners do not grant easements to the Applicant, the original site plan remains valid.

### **3. Deletion and addition of certain retaining walls**

As mentioned in the previous request for amendment, the Applicant is also requesting a change to the grades in the area of the adjacent parcels (N414, Lot 8, part of Lot 7 and N452, lot 1-Hammermill) southeast of the proposed Dowden's Ordinary Park, only if the adjacent property owners grant a grading easement on their property in return for sewer service. The grading would eliminate the series of retaining walls in the rear of the adjacent properties and proposed one-family lots 1-5 that back up to the adjacent parcels previously referenced.

The Applicant is also requesting minor changes to the site plan to add 2-foot-tall retaining walls for the lead walk adjacent to townhouse unit 3385 due to re-siting of the block of units further from the road to accommodate setbacks from the street. A series of additional retaining walls are proposed in front of the units (8-13, Block 5) due to more accurate architecture presented by the Applicant. The retaining walls along the MD 355 property frontage in the location of the Dowden's Ordinary site and adjacent parcel N414, Lot 8 have been removed due to final grading and road design plans for the widening of MD 355. Additional retaining walls have been deleted in the areas of the proposed emergency access roadways and the areas in between townhouse units where the final grading has been adjusted.

Staff recommends approval of the changes to the grading in the specified areas to accommodate final engineering and elimination of retaining walls on the adjacent parcels, only if the owners of the parcels grant an easement. If the owners do not grant easements to the Applicant, the original site plan remains valid.



#### **4. The relocation of a driveway and historical marker in Dowden's Ordinary**

The original site plan included a dedication of the Dowden's Ordinary Park (Gateway Commons Special Park) and initial design that included a number of recreational and historic amenities, such as seating walls, interpretive panels and art elements. The historical marker was initially shown on the site plan along the frontage of MD 355 and listed as Braddock Monument #1915. At the request of our Parks Department through the park permit process, the Applicant agreed to change the location of the proposed monument to move it near the front of the existing Dowden's Ordinary, a pre-revolutionary war historic tavern site.

A 10-foot-wide grasscrete driveway from Stringtown Road was also requested by our Parks Department through the park permit process. A vehicular entrance to the park site did not previously exist. The apron will be constructed in accordance with Montgomery County standards as noted on the site plan amendment.

The Applicant was conditioned to provide numerous amenities and facilities on the subject park site. Condition 4 (e) specifically allows the *"final design of the park site, including facilities and plantings therein, to be coordinated with M-NCPPC staff and to be acceptable to staff and the Applicant"*.

Staff recommends approval of this request because the Applicant is still required to satisfy the above noted condition and original site plan conditions. Furthermore, the Applicant is required to continue processing the park permit to satisfy the original conditions of approval.

#### **5. Modifications to curbs and sidewalks and the deletion of the Latrobe Lane traffic circle and median**

Modifications to the curbs and sidewalks were necessary as a result of the reduction to the units, which were necessitated by the inclusion of the emergency access roadways from Stringtown Road and Latrobe Lane. Dual 3-foot-wide lead-walks from the two-over-two units have been consolidated into a single 8-foot-wide lead-walk. In addition to the changes predicated by the Fire Marshall, the Applicant has made changes to the sidewalks to the units due to architectural revisions to the builder's models being proposed with the application.

The deletion of the Latrobe Lane traffic circle and median is a result of a requirement by the Fire Marshall to maintain a 20-foot-wide emergency access roadway to the proposed units. The initial median design included two 13-foot-wide travel lanes separated by a 6-foot-wide landscaped median. The amendment would eliminate the median and provide for full pavement within the road section. The traffic circle was also required to be eliminated because of the width of the travel lanes.

Staff recommends that the plans be modified to reflect as-built conditions based upon requirements by the Fire Marshall.

**6. Provision of emergency access driveways to private streets.**

During the permit review, the Fire Marshall required changes to the private streets for turning radii, road termini and road widths, as well as providing emergency access to the private streets.

The Fire Marshall comments during the review of the construction permits required emergency access to Shaws Tavern Court from Stringtown Road and emergency access to Scholl Manor Way and Roberts Tavern Court from Latrobe Lane. The emergency roadway access consists of a 20-foot-wide connection that incorporates grasscrete pavers to prevent a dead-end condition to the private courts. The Fire Marshall also requires the elimination of the median and traffic circle in private Latrobe Lane from Observation Drive to Scholl Manor Way to provide a wider paved area.

The curb and gutter, which includes the turning radii for most of the private driveways, including Roberts Tavern Drive and Court, Scholl Manor Way and Shaws Tavern Court, has been widened in many locations and/or removed and replaced with mountable curb to satisfy requirements by the Fire Marshall.

Staff recommends that the Fire Marshall modify the plans to reflect as-built conditions based upon requirements.

**7. Reduction in the overall number of dwelling units from 292 to 286.**

The Applicant reduced the overall number of dwelling units by a total of six units, from 292 to 286, primarily due to the requirements by the Fire Marshall for emergency access to Shaws Tavern Court from Stringtown Road and access to Scholl Manor Way and Roberts Tavern Court from Latrobe Lane. The reduction of the one-over-one units on Shaws Tavern Court resulted in the elimination of a stick of two buildings that housed a total of four units and shifted the remaining two buildings in the stick further to the northern property line.

Two additional emergency access points were provided from Latrobe Lane to Scholl Manor Way and Roberts Tavern Court that caused the elimination of two townhouses. Originally, the stick of units consisted of seven townhouses in a single row; however, the amended condition breaks up the stick into groupings of two units and four units separated by the emergency access. This results in additional green space between the groups of townhouses into the private court areas.

The reduction of the one-over-one units eliminated three surface parking spaces, changed the lead walk locations of the units to remain directly onto Stringtown Road, and created a separate lead walk from the adjacent two-over-two units to Observation Drive. The reduction in the townhouse units resulted in the loss of garage parking spaces and changes to the lead walk conditions to Latrobe Lane.

Staff views the changes as mandatory as a result of the failure by the Fire Marshall to adequately review the original plans during the mandated review period and believes the loss of units adequately addresses the concerns.

The change in unit numbers has been correctly revised in the data table, development charts, green space computations and the recreation tabulations to be consistent with the total number of units.

**8. Clarification of the development notes and tables to reflect the proposed changes and clarify and define items.**

The original site plan did not adequately address the development standards for each use, specifically maximum building heights and clarification of setbacks for many of the units on the private streets. Setbacks were established for the primary public roads, including MD 355, Observation Drive, Stringtown Road, Roberts Tavern Drive, Woodport Road and Latrobe Lane. The units that front onto the private streets and courts have not been identified with specific setbacks. The setbacks would have been “as depicted or graphically shown on the approved site plan”. Staff does not believe this is a violation because none of the units are constructed and permits have not been issued by the respective agencies.

The Site Plan deficiencies have been clarified with the proposed amendment. The neighboring site plans such as Clarksburg Village and Greenway Village that incorporated R-200/TDR standards with a PD underlying standard, have been studied for consistency.

The following table shows the maximum height limitations proposed for this project and the corresponding site plans that also did not include specific development standards:

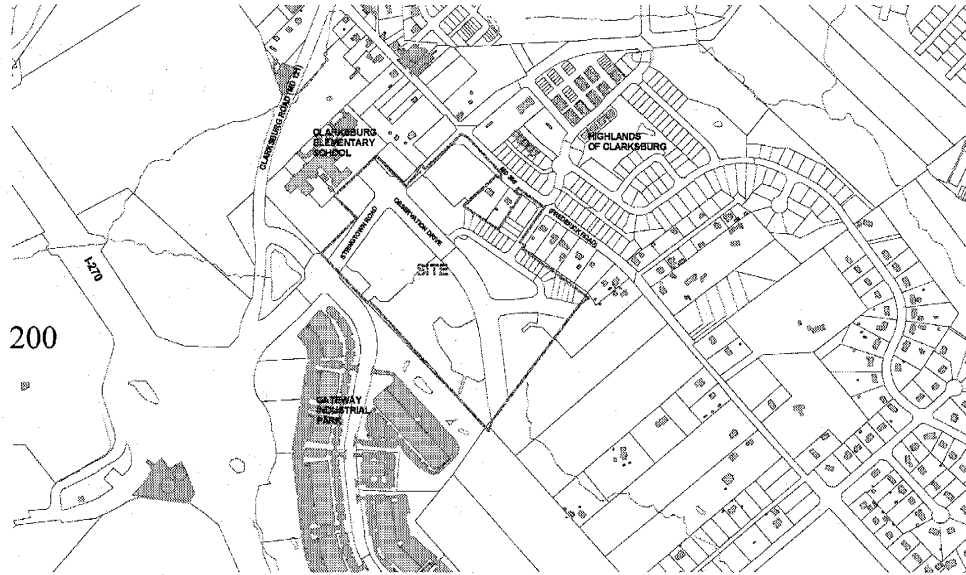
<b>Unit Type</b>	<b>Gateway Commons Amendment 82003023A</b>	<b>Clarksburg Village Amendment 82003003A</b>	<b>Greenway Village Amendment 82003</b>
One-family detached	35 feet	35 feet	35 feet
Townhouse (one-family attached)	35 feet	35 feet	35 feet
One-over-one (one-family attached)	35 feet	35 feet	35 feet
Two-over-two (multi-family)	45 feet	45 feet	45 feet
Multi-family	45 feet	55 feet	55 feet

All of the lots on the site plan amendment have been modified to clearly identify setbacks and building restriction lines for the one-family detached lots and townhouses with lots, and building envelopes for the multi-family and attached units.

Staff has placed a condition in the report to incorporate the revised data table and development standards.

**PROJECT DESCRIPTION:** Site Vicinity and Description

The proposed development spans the intersection of new Observation Drive, the extension of Stringtown Road and new alignment of MD Route 355 (Frederick Road). Stringtown Road forms the northwestern boundary of the site.

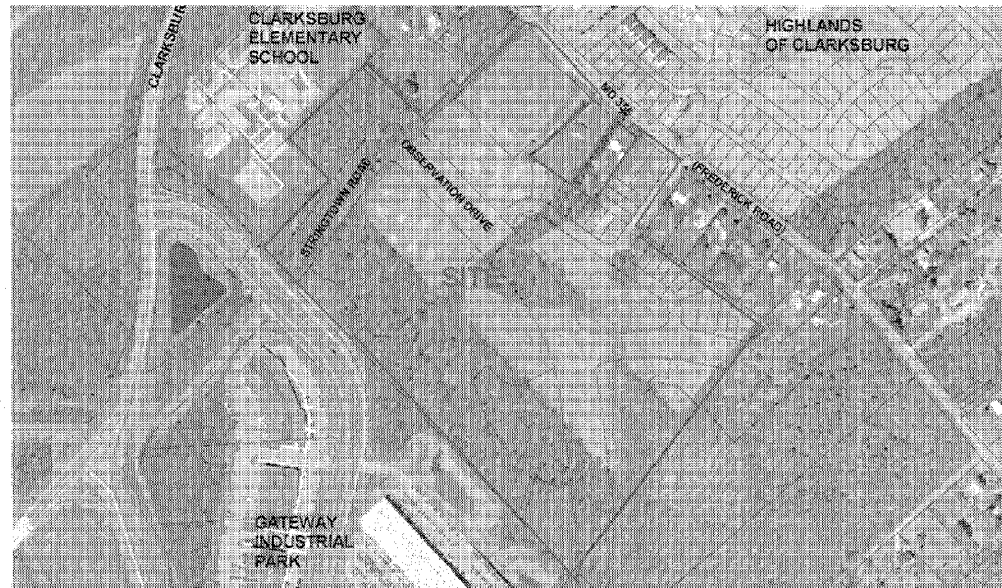


The site is northeast of the Gateway Industrial Parkway and the industrial office park. Northeast of the site are existing homes and lots in the R-zone. The lots are over 180 feet deep and have over 125 foot rear yards. Immediately north of the site is the Clarksburg

Elementary School and the Clarksburg Historic District within the perimeter of the town.

The Highlands of Clarksburg community is located directly opposite MD 355. The northeast corner of the site contains Dowden's Ordinary, a pre-revolutionary war historic tavern site. The site was dedicated to M-NCPPC for use a specialty park and preservation site for archeological artifacts.

The property has been completely cleared and graded within the parameters of the forest conservation plan and sediment and erosion control plan. All of the roads and associated facilities, both public and private, have been constructed.



Additionally, all of the sediment control facilities have been installed consistent with the Clarksburg SPA standards and guidelines.

**PROJECT DESCRIPTION:** Proposal

The proposed amendment to the originally approved site plan for Gateway Commons specifically addresses modifications to the building footprints, as a result of the selection of final architectural elements, clarification of development standards in the data table and plan, site details such as retaining wall and driveway features and revisions to the access points and stormwater management facilities based upon other agency review. Additionally, the site design has remained consistent, with the exception of the specific modifications to the original concept and approval. The changes have resulted in reduction of 6 units.

The project provides a variety and mix of unit types as prescribed in the Clarksburg Master Plan and the provision of the future transit stop for the implementation of the Corridor City Transitway. The unit arrangement and orientation to the streets has not changed with this proposed amendment. All of the public and private roadway systems, including the bike path on Observation and Stringtown Roads, have been installed.

All of the amenities associated with this development, including the landscaping, lighting, entry features along the Stringtown Road and community recreational facilities, will be installed in accordance with the development program that has been modified with this amendment. The applicant is dedicating the northeastern-most portion of the site to M-NCPPC because it contains the Dowden's Ordinary site, a tavern in operation during revolutionary era. The site is perched on a hill that keeps it removed from the rest of the development but connected by a long staircase. A portion of the forestation requirements and two open space play areas will be located on the Dowden's Ordinary site. The development of the park is undergoing review by the M-NCPPC Parks staff and Historic Preservation Staff to create a blend of historic and park opportunities. The proposed park will be directly accessible by foot or bicycle and a 10-foot-wide grasscrete driveway from Stringtown Road. The Applicant continues to work with the Parks Department, through the permit process, toward the ultimate construction and preservation of the park.

**PROJECT DESCRIPTION:** Prior Approvals

Preliminary Plan

Preliminary Plan 120020480 for the site was approved on July 25, 2002 by the Planning Board for a total of 292 dwelling units, including 44 MPDUs and 128 TDRs.

Site Plan

Site Plan 820030230 was approved on July 24, 2004 (Opinion mailed November 18, 2003) for 27 one-family detached, 93 townhouses, 88 multi-family, and 84 attached units, inclusive of 44 MPDUs and 128 TDRs on 45.24 acres.

**ANALYSIS:** Conformance to Development Standards

**PROJECT DATA TABLE**

R-200/TDR 7 - utilizing PD Standards per Section 59-C-1.394(b) and as determined at Site Plan approval.

<b>R-200/TDR-7 Development Standards</b>				
Zoning Ordinance Development Standards	Permitted/Required	Approved with Site Plan 8200030230	Proposed with Site Plan Amendment 82003023A	Change
<b>Gross Site Area (ac):</b>		45.2463	45.2463	No Change
Less dedication of Roads with 100' or greater right-of-way		10.700	10.700	No Change
Less Floodplain		0.00	0.00	No Change
<b>Net Site Area:</b>		34.5463	34.5463	No Change
<b>Density Tabulations:</b>				
Max. Density with MPDU density bonus:	295 dwelling units (8.54 du/ac x 34.5147 ac.)	295 dwelling units (8.54 du/ac x 34.5147 ac.)	294 dwelling units (8.54 du/ac x 34.5147 ac.)	(1 dwelling unit)
Proposed Units		292 dwelling units	286 dwelling units	(6 dwelling units)
MPDU Calculations	45	44	43	(1 MPDU)

	(295 x 15%, includes 22% density bonus)	(292 x 15%, includes 22% density bonus)	(286 x 15%, includes 22% density bonus)	
<b>TDR Calculations</b>				
Base Density	69	68	69	+1 unit
TDR Density	128	128	128	No change
½ Multi-family units	44	44	44	No change
MPDUs	45	44	43	(1 MPDU)
Bonus Market Rate Unit	8	8	8	No change
Total	295	292	291	(1 unit)
<b>Unit Breakdown: (From Master Plan)</b>				
One-family detached	15% Min. 44 units	9.2% 27 units (waiver approved with Preliminary Plan 120020480)	9.4% 27 units	+0.2% No change in # of units
One-family attached	Not Specified	62% 177 units	59.8% 171 units	(2.2%) No change in # of units
Multiple-family	35% Max. 102	30% 88 units	30.8% 88 units	+0.8% No change in # of units
<b>Building Setbacks:</b>				
<b>Front yard setback from public streets (ft.):</b>				
Stringtown Road	25	25	25	No change
Observation Drive and Roberts Tavern Drive	20	20	20	No change
Woodport Road, Latrobe Lane and MD 355	15	15	15	No change
<b>Side yard setbacks (ft.):</b>				



Townhouse (one-family attached)	Not Specified	Not Specified		
One over One (one-family attached)	Not Specified	Not Specified		
One-family detached	Not Specified	Not Specified		
Two over two multi-family	Not Specified	Not Specified		
<b>Rear yard setbacks (ft.):</b>				
Townhouse (one-family attached)	Not Specified	Not Specified		
One over One (one-family attached)	Not Specified	Not Specified		
One-family detached	Not Specified	Not Specified	20	
Two over two multi-family	Not Specified	Not Specified		
<b>Setbacks for accessory buildings for the one-family detached units (ft.):</b>				
From public street right-of-way	Not Specified	Not Specified	20	
From rear lot line	Not Specified	Not Specified	2	
From side lot line	Not Specified	Not Specified	2	
<b>Max. Building Height (ft.):</b>				
Townhouse (one-family attached)	Not Specified	Not Specified	35	
One over One (one-family attached)	Not Specified	Not Specified	35	
One-family detached	Not Specified	Not Specified	35	
Two over two multi-family	Not Specified	Not Specified	45	
Accessory building for the one-family detached units	Not Specified	Not Specified	25	
<b>Min. Green Area (%/sf.):</b>	40% of Gross Site Area (788,371 sf)	58.4% of Gross Site Area (1,150,761 sf)	67.3% of Gross Site Area (1,326,173 sf)	+8.9% of Gross Site Area (175,412 sf)

<b>Min. Internal Landscaping (% of parking areas)</b>	5% Based on 87,210 sf of parking area (4,361 sf.)	11.6% Based on 87,210 sf of parking area (10,129 sf.)	11.6% Based on 87,210 sf of parking area (10,129 sf.)	No Change
<b>Parking Requirement:</b>				
Townhouse (one-family attached) 2 spaces/du	93 x 2 = 186	91 x 2 = 182	91 x 2 = 182	
One over One (one-family attached) 2 spaces/du	84 x 2 = 162	84 x 2 = 162	84 x 2 = 162	
One-family detached 2 spaces/du	27 x 2 = 54	27 x 2 = 54	27 x 2 = 54	
Two over two multi-family 1 BR @ 1.5 sp/du 2 BR @ 2 sp/du	44 x 1.5 = 66 44 x 2 = 88	44 x 1.5 = 66 44 x 2 = 88	44 x 1.5 = 66 44 x 2 = 88	
Total Parking Required:	634	634	599	
Total Parking Provided:	644	644	609	
<b>On-site Impervious Area (sf.):</b>				
Buildings	Not Specified	190,993	227,211	+36,218
Parking and Roads	Not Specified	307,143	355,627	+48,484
Driveways	Not Specified	45,423	61,916	+16,493
Sidewalks	Not Specified	87,624	125,328	37,704
Total On-site Impervious		631,183 (32% of Gross Tract Area)	770,082 (39.1% of Gross Tract Area)	+138,899 (7.1% of Gross Tract Area)

**RECREATION CALCULATIONS:**

	Tots	Children	Teens	Adults	Seniors
<b>Demand Points</b>					
28 SFD III	3.78	5.13	6.21	34.29	3.51
171 Townhouse	29.07	37.62	30.78	220.59	11.97
88 Multi-family	9.68	12.32	10.56	103.84	14.08
<b>TOTAL DEMAND</b>	<b>42.53</b>	<b>55.07</b>	<b>47.55</b>	<b>358.72</b>	<b>29.56</b>
<b>Supply Points</b>					
<u>On-Site Facilities:</u>					
Tot Lot (2)	18	4	0	8	2
Multi-age area (1)	9	11	3	7	1
Pedestrian System (1)	4.88	12.68	10.79	169.25	9.95
Natural Area (1)	0	3.17	5.4	37.61	1.11
Nature Trail (1)	2.44	6.34	8.09	56.42	3.32
Play Lot (1)	0	9	3	4	1
Sitting Areas	6	6	9	30	12
Open Play Area I (2)	12	18	24	60	4
<b>On-Site Total</b>	<b>52.32</b>	<b>70.19</b>	<b>63.28</b>	<b>372.28</b>	<b>34.38</b>
<u>Off-Site Facilities @ 35% Credit:</u>					
@ Elementary school	17.08	22.19	18.87	131.64	7.74
<b>TOTAL SUPPLY</b>	<b>69.40</b>	<b>92.38</b>	<b>82.15</b>	<b>503.92</b>	<b>42.12</b>

## **ANALYSIS: Conformance to Master Plan**

### **Relationship to the Clarksburg Master Plan**

Gateway Commons is located in the northern edge of the Transit Corridor District of the 1994 Clarksburg Master Plan Area. It directly adjoins the Clarksburg Historic District and is zoned R-200/TDR (7 units per acre) in accord with the Master Plan recommendation. The Master Plan recommends that the Corridor Cities Transitway bisect the subject property.

The Transit Corridor District includes properties fronting MD 355 that 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 here is to maintain and continue this residential character while addressing the need for increased traffic capacity along MD 355.

The Transit Corridor 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 supportive of transit.

A mixed-use neighborhood is proposed at the northernmost 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. A mix of residential and local retail uses is proposed at the transit stop itself. The Land Use Plan for the Transit Corridor District is attached.

The proposed site plan for 286 units complies with the Master Plan objectives as follows:

#### **Continue the present residential character along MD 355.**

The proposed site plan achieves this objective by locating single-family detached units on small lots adjacent to larger lot, single-family residences. Due to the significant change in lot sizes, extensive landscaping should be provided in the rear of the smaller lots in order to provide compatibility with the existing residences.

#### **Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain a residential character along MD 355.**

The Master Plan recognizes that MD 355 through this part of Clarksburg cannot remain a two-lane roadway in the long term given its regional significance in the northern part of the County. At the same time, widening of MD 355 to six lanes would be in direct conflict with the Plan objective to retain the road's present residential character.

The Master Plan makes the following recommendations to achieve a balance between the need for increased carrying capacity and the desire to retain a pleasant residential character:

1. MD 355 should be reclassified from a major thoroughfare to an arterial street (maximum four lanes with a planted median).
2. An alternative north-south thoroughfare (Observation Drive) is recommended to help accommodate anticipated traffic.
3. MD 355 (Frederick Road) should be renamed Old Frederick Road.

The proposed site plan achieves this by providing the Bypass through the subject property.

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

The proposed site plan cannot provide the Master Plan recommended density (up to 7 units per acre) due to environmental requirements to satisfy the Forest Conservation Law and to meet the Special Protection Areas guidelines. This plan represents an example of competing requirements that result in less than desirable density at a transit location.

**Establish strong pedestrian and bicycle linkages to the greenway.**

The proposed site plan incorporates the Master Plan's recommended bikeways into the cross sections of Stringtown Road and Observation Drive. Both roadways provide connections to the Greenway Park system and to transit stations.

**Improve east-west roadway connections.**

One of the transportation challenges in this area is how to improve east-west access. While MD 355, Observation Drive, and Midcounty Arterial (A-305) will facilitate north/south movements through the area, east-west access is more difficult to provide because of environmental constraints (tributaries of Little Seneca Creek in particular) and existing development patterns.

The proposed plan improves east-west connections by dedicating the right-of-way for Stringtown Road.

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

It is essential that the character of the roadway network is supportive of the Master Plan's vision for the Town Center. The guideline below will help assure that streets and highways are built in a manner that is compatible with land use and urban design objectives for the Town Center.

Because the arterials of Stringtown Road and Clarksburg Road serve as entrance to the Town Center, extensive landscaping, including medians, bikeways, and bus transit access facilities, must be provided.

Staff also recommends a 25-foot setback along Stringtown Road and 20 feet along Observation Drive to achieve this Master Plan objective. This recommendation is based on the King Farm

example and would achieve an appropriate “gateway” transition from I-270 into Clarksburg’s Town Center.

### **Diversity of Housing Types**

The Master Plan endorses a mix of unit types at the neighborhood level. It avoids large concentrations of any single type of housing within each neighborhood. The proposed site plan conforms to the recommended range of units.

**FINDINGS:** For Site Plan Review

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan;*

An approved development plan or a project plan is not required for the subject development.

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

The approved site plan (820030020) was deficient in the requirements of the R-200/TDR-7 Zone, with respect to development standards for each zoning category. The amendment to the site plan fully addresses and provides the necessary development standards for all of the uses in the zone.

The Site Plan meets all of the requirements of the R-200/TDR-7 Zone as demonstrated in the project Data Table on page 12.

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.*

- a. Buildings and Structures

The neo-traditional form that is characteristic of many of the new developments in Clarksburg, including Clarksburg Town Center and Clarksburg Village. The blocks create an interactive neighborhood with accommodating open space areas and an interconnecting pedestrian system. The orientation of the front doors of units onto the streets creates a more inviting view from the streets and more accommodating pedestrian environment. The tighter placement of units is a result of the constraints of the site, including stormwater management, stream valley buffer, extensive road dedications, grades and the historic park dedication. The unit massing and layout is compensated by the additional plantings provided within the open spaces, special pavement, and foundation plantings. The site grading has been adjusted for Stringtown Road to bring the units close to street grade, improving the relationship of the units to the adjacent sidewalk and entry drive to Clarksburg.

The overall unit alignment and design for Gateway Commons did not change significantly with this amendment. Consequently, the number of units was reduced based upon external agency comments.

Many of the retaining walls have been deleted based upon final engineering and grading. The series of walls by the Dowden's Ordinary park site will be deleted if

the Applicant obtains a grading easement from the adjacent property owners. The walls adjacent to the dead-ends at Shaw Tavern Court, Scholls Manor Way and Roberts Tavern Court have been deleted due to the addition of emergency access roadways and relocation of units. Other smaller walls have been added to adjust to the elevations and grades associated with more precise grading.

b. Open Spaces

The open space on site is limited due to the high intensity of development on site as a result of the environmental areas and park dedication. This heightens the importance of landscaping thus requiring more open space planting to counterbalance the effects of paving and architecture.

The green space requirement for the property is 40 percent of the gross tract area. The original site plan was approved for approximately 58 percent of the gross tract area and the amendment increases the amount of green space by an additional 9 percent up to approximately 67 percent. This increase in green space can be attributed to the loss of units and modifications to the plan, but it should be noted that the amendment includes sidewalks, lead walks, stormwater management facilities as permitted by the zoning ordinance for green space.

c. Landscaping and Lighting

The landscaping was designed to provide structure for the streets, shade for pedestrians and park users, buffers to adjacent homes and attractive entryways. Foundation plantings have been modified to coincide with the design for each unit type and units have been sited so these plantings occur outside the Public Utility Easements. The streetscape follows the patterns and species proposed in the draft Clarksburg streetscape guidelines. Additional plantings may be necessary to buffer the proposed one-family detached units by Dowden's Ordinary Park to the adjacent parcels if the series of walls is removed.

The lighting plan the Hadco fixture approved by DPWT for public street use in Clarksburg and the colonial style fixtures in the private street areas and common areas.

Some adjustments are still needed to bring the trees into the best alignment for the adjacent conditions.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table on page 16. The tabulations were revised to correctly reflect the number and category of units. The total demand points were reduced due to the loss of units while the supply points remained the same.



Recreation facilities still include sitting areas, tot lot multiage play facilities and within the historic site, open space play areas and natural areas and trails.

e. Vehicular and Pedestrian Circulation

As amended, vehicular and pedestrian circulation is safe, adequate and efficient.

The street connections to the site are in accordance with the approved Preliminary Plan, and the layout provides an interconnecting system of sidewalks and bike paths. The road network through the site is permitted by the County and complete, with the exception of a portion of Stringtown Road.

The pedestrian paths complement the public street walks and bike paths to create a well integrated pedestrian system. The staircase and various connections provided to the future M-NCPPC Park and the path connection to the school to the north will further connect the future residents with nearby recreation opportunities.

Accessibility by the Fire Marshall during the permit review process resulted in additional connections to the public roads and to the private streets. The additional emergency access roadways resulted in the loss of 6 units. Additionally, the review by the Fire Marshall resulted in modifications to turning radii and appropriate turnaround on dead-end streets.

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

The proposed residential development is compatible with adjacent residential development because of the provision of setbacks and landscaped buffers and gradation in density.

The evergreen and mixed landscape buffers provided adjacent to housing and the public school will provide for a buffering of views of the new development and the maintenance of the views within the project.

The activity associated with the proposed residential will not cause any negative effect on the adjacent industrial park and residential uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The applicant is proposing an optional method of development for this site. Under Section 22A-12(f) of the Montgomery County code, developments using an optional method of development must meet the appropriate forest conservation threshold on-site. Environmental Planning compared the forest conservation threshold with the amount of

forest retained on-site and determined that the amount of forest retained is greater than the amount necessary to meet the minimum threshold. Therefore, the final forest conservation plan submitted for this site meets the requirements for Section 22A-12(f) of the Montgomery County code.

The site is located within the Little Seneca Creek and Ten Mile Creek watersheds, which are both designated as Use IV-P waterways. The majority of the site drains to the Little Seneca Creek watershed. The natural resource inventory delineated the onsite environmental buffers. The entire site is within the Clarksburg Special Protection area. The Applicant has built the stormwater management facilities in accordance with the Special Protection Area regulations. MCDPS approved the SWM and Sediment and Erosion Control Plan on October 14, 2004. MCDPS has also reconfirmed the approval based upon the proposed amendment on March 24, 2006.

The Applicant has already removed 12 acres of forest consistent with the approval of the final Forest Conservation Plan. The total planting requirement for the forest conservation plan is 11.4 acres. Onsite forest retention, onsite forest plantings and landscaping credit, and planting off-site shall meet the forest conservation requirements. Off-site reforestation must occur in the Clarksburg SPA. A five-year maintenance period is required for all forest planting per the environmental guidelines.

The Final FCP and approved Final Water Quality Plans and stormwater management plans meet the site performance goals, site impervious goals and overall guidelines of the Clarksburg Special Protection Area.

#### APPENDICES

- A. Planning Board opinion for Preliminary Plan 120020480.
- B. Planning Board opinion for Site Plan 820030230
- C. Memorandums from agencies
- D. Site Plan Checklist

# APPENDIX A



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Please cc ERW  
+ Please put in copies  
Right in file

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

**DATE MAILED:** November 18, 2003

**SITE PLAN REVIEW #:** 8-03023

**PROJECT NAME:** Gateway Commons

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The date of this written opinion is November 18, 2003, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before December 18, 2003 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Preliminary Plan #1-02048 is valid, as provided in Section 59-D-3.8

On July 24, 2003, Site Plan Review #8-03023 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required;*
2. *The Site Plan meets all of the requirement of the R-200/TDR-7 zone;*
3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure an use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*
6. *The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection*