**MEMORANDUM**

Date: July 14, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RK*
Carlton W. Gilbert, Zoning Supervisor, Development Review Division *AWG*

FROM: Elsabett Tesfaye, Development Review Division (301) 495-1301 *ET*

SUBJECT

1. **Preliminary Water Quality Plan:** Garnkirk Farms, North of Shawnee Lane, between Gateway Center Drive and MD 355.
2. **Local Map Amendment No. G-832:** Reclassification of 37.176 acres of land from the R 200 Zone to the PD-11 Zone for properties known as Lot 27 and Lot 28 Garnkirk Farms. Located on the north side of Shawnee Lane, between Gateway Center Drive and MD 355, Clarksburg.

Ralph J. Duffie, Inc. Applicant
1994 Clarksburg Master Plan and Hyattstown Special Study Area

FILLING DATE November 22, 2004
PLANNING BOARD March 23, 2006; July 27, 2006
PUBLIC HEARING: September 8, 2006

RECOMMENDATION:

1. Staff recommends **APPROVAL** of the Preliminary Water Quality Plan for Garnkirk Farms with the following conditions:
 - ◆ Applicant shall submit a revised Preliminary Water Quality Plan at Preliminary Plan stage, that:
 - a. Shows stormwater treatment for the western lane of Observation Drive and all legal development on Garnkirk Farms property, within the legal limits of the property.
 - b. Minimizes encroachment into the stream valley buffer for treatment of stormwater from future Observation Drive construction.

MCPB
Item # 16 & 17
DATE: 07/27/06

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2. Staff recommends **APPROVAL** of Local Map Amendment No. G-832 for the following reasons:

- (1) The proposed Local Map Amendment and the Development Plan are consistent with the purpose clause and all applicable standards for the PD-11 Zone as set forth in the Zoning Ordinance.
- (2) The proposed reclassification is in conformance with the land use recommendations of the 1994 Clarksburg Master Plan and Hyattstown Special Study Area.
- (3) The proposed reclassification is compatible with existing and planned land uses in the surrounding area.
- (4) Public facilities are adequate to serve the proposed development.

FINDINGS

A. Proposal Summary

Background

At its regular meeting of March 23, 2006, the Montgomery County Planning Board denied the applicant's request for rezoning and the associated Development Plan. The Board found that the applicant had not met the burden of proof under the purpose clause of Section-59-C-7.11. The Board also denied the Preliminary Water Quality Plan. In the interim, the applicant revised the Development Plan as well as the Water Quality plan and all other associated plan and resubmitted the instant application.

Original Proposal: On the original application, the applicant proposed to develop the property with 459 residential units, including 188 multi-family units (41%), 172 single-family attached units (2 over 2s) (37%), 77 townhouses (17%), and 22 single-family detached units (5%). The Development Plan designated 67 of the proposed 459 units (15%) as Moderately Priced Units (MPDUs). The proposal also included a total of 1,070 parking spaces (garages, driveways, parking garage and surface), a clubhouse and play and sitting areas.

Issues and concerns raised by the Board and the citizens at the Planning Board hearing of March 23, 2006 included the following:

- ◆ The density is much higher than allowed within the allowable range of zoning for the subject property.
- ◆ The design of the 2 over 2 units as single-family attached units is not acceptable. The nature of the proposed 2 over 2 units is more consistent with multi-family units than that of single-family attached.

- ◆ The proposed 2 over 2 units are excessive in terms of density and height.
- ◆ There is no integration of the various housing types.
- ◆ Building configuration and orientation in relation to the streets is not optional
- ◆ Concerns expressed by Department of Permitting Services (DPS) regarding the storm water management need to be addressed.
- ◆ The relationship and impact of the development to the future transit stop should be clarified.

Revised Proposal: In response to the concerns voiced at the March 23rd hearing by the Planning Board and the citizens and to issues identified by the planning staff with respect to various aspects of the Development Plan, the applicant revised the Development Plan, the Preliminary Water Quality Plan and associated documents.

The introduction section of the applicant's supplemental report submitted with the revised plans states the following:

The bulk of revisions are aimed at insuring that the Revised Development Plan both currently meets and will continue to meet the purpose clause of the PD zone. The Revised Development Plan accomplishes this by providing for a series of binding design principles ("Design Principles" hereinafter). The Design Principles proffered by the applicant were developed with the assistance of both Staff and the local community and are generally reflective of the principles of "New Urbanism". The Revised Development Plan features major changes to unit layout, unit mix, and unit orientation. Significantly, a reduction in the number of 2 over 2 single-family attached units has reduced the total number of units from 459 to 408 (.

The revised Development Plan proposes 408 residential units, including 184 multi-family units (45%) 62 single-family attached (2 over 2) units (15%), 141 townhouses (35%), and 21 single-family detached houses (5%). Fifty-one (12.5%) of the proposed 408 dwelling units would be MPDUs. The development also includes 1256 parking spaces (including 67 street spaces), recreation facilities, and play areas. The revised Development Plan also includes a total of 1,256 parking spaces (garages, driveways, parking garage, surface and on street), a clubhouse and play and sitting areas.

The applicant has provided a chart (Page 2 of the Development Plan, also shown below) showing the 29 proposed "binding design principles" under the heading Garnkirk Farms – Binding Design Principles". For the purpose of clarity, staff recommends that the chart be titled Garnkirk Farms-Binding Elements.

The applicant has proffered the following **Binding Elements**

Garnkirk Farms - Binding Design Principles

Development Plan Scale	Site Plan Scale		
			SCALE
X		1	Neighborhood Center - The neighborhood shall have a functional center. A park or recreation facility is an appropriate neighborhood center.
X		2	Neighborhood Edge - The neighborhood shall be defined by comprehensible edges. Arterial or major roads, natural features such as forests and streams, or non-residential uses constitute appropriate edges.
			STREET/SIDEWALK CIRCULATION SYSTEM
X		3	The neighborhood street system shall be continuous and interconnected.
X		4	The neighborhood street system shall connect to the surrounding street and highway system at multiple locations.
X		5	Neighborhood streets shall be arranged so as to create blocks that are approximately 200 to 400 feet in length.
X	X	6	The neighborhood sidewalk/pedestrian (shared path) system shall provide continuous access to principal points of destination within the neighborhood.
X	X	7	The neighborhood sidewalk/pedestrian (shared path) system shall interconnect with the community-wide pedestrian system.
X	X	8	The neighborhood sidewalk/pedestrian system shall, wherever possible, run parallel to the street system, with connections to pedestrian trails through appropriate locations, such as, recreation and open space areas.
X	X	9	Garages shall be primarily rear-loaded and served by alleys. When front or side loaded garages are appropriate to respond to specific constraints such as corner conditions, road width, or lot depth, the garages should have a diminished appearance subordinate to the front of the houses.
X	X	10	The driveways of all single family detached homes shall be able to accommodate the full length of a car without impeding the sidewalk system. The driveways of all other unit types shall, where possible, be able to accommodate the full length of a car without impeding the sidewalk system.
X	X	11	On-street parking shall be utilized, where possible, to serve adjacent uses, in part to protect the sidewalk area for pedestrians, and to help define the streetscape.
X	X	12	The neighborhood shall include sufficient supplemental parking to accommodate visitors and guests.
X	X	13	Streetscapes that may include sidewalks, green panels, street trees, street lights, and street furniture shall be created where appropriate.
	X	14	The applicant shall mitigate the view of alleys from public streets within the community through the use of a variety of techniques. Mitigation techniques may include the installation of landscape, hardscape, fencing, and detached garages where appropriate.
	X	15	Primary neighborhood streets should implement the Clarksburg Streetscape Guidelines where feasible and approved by the reviewing agencies.
			BUILDINGS and LOTS
X		16	A mix of residential unit types within each block shall be provided to achieve variety at the street scale.
	X	17	Building Design – front facades and building materials shall vary within each block to create visual distinctions between dwellings within each block.
	X	18	Roof designs and rooflines shall vary within each block to add visual distinction between buildings and account where appropriate for grading conditions.
X		19	A variety of lot widths and/or sizes shall be provided throughout the neighborhood.
X	X	20	Varying building heights shall be provided within the same street block and attention should be paid to the street width, building locations, and transitional building heights when establishing the appropriate maximum building height.
	X	21	Access to non-multifamily unit front entrances shall be individualized, straightforwardly accessible, and clearly recognizable from the street. Each single family attached two-over-two unit shall have its own direct entrance from the outside.
X	X	22	Buildings shall face onto and have access to streets, with the exception of the use of small “mews” or “close” style access provided to a limited extent within a neighborhood.
	X	23	Each two over two unit shall have a ground level outdoor green area in the front or side yard of each unit for the exclusive use of the occupants of such unit
	X	24	The front wall of detached garages for single-family detached dwelling units shall not project beyond the front of the dwelling or any porch or other projection along the front of the dwelling.
	X	25	The multi-family building shall have at least two means of ingress and egress along the Observation Drive frontage of the building to provide convenient pedestrian access to the sidewalks and pathways that lead to the transit station planned for the intersection of Observation Drive and Shawnee Lane.
			OPEN SPACE
X	X	26	Open space shall be provided throughout the neighborhood at a scale appropriate to its location and function.
X		27	Open space and recreational facilities that form the center of the neighborhood shall be larger, more prominent visually, and accommodate greater patronage.
X	X	28	Smaller open space areas, such as, sitting areas and tot lots, shall be located throughout the neighborhood at convenient locations.
	X	29	The applicant shall field locate and install a woodchip path, as noted on the plan. The exact location of the path shall be approved by Maryland-National Capital Park and Planning Commission staff.

The Community Based Planning staff has offered the following comments regarding the above listed binding elements, specifically, with respect to Binding Element #10:

The binding elements address scale, pedestrian circulation, building street orientation, parking, and open space relationships. The binding elements will result in a walkable and functional neighborhood, attractively landscaped and proportionally arranged with a sense of center developed as a community-gathering place.

Binding Element 10, however, does not conform to DPWT policy that requires driveways to accommodate the full length of a vehicle and not impede on an adjacent sidewalk. The Development Plan language states that “where possible” vehicles should be able to accommodate a full length thus implying that it may not always be possible. Staff recommends that Element 10 should be eliminated or the flexible wording “where possible” be eliminated

In other words, having driveways that cannot accommodate the full length of vehicle without impeding the sidewalk is not in keeping with DPWT policy. Staff is in agreement that flexibility should not be allowed.

B. Description of Property

The subject property is located on the north side of Shawnee Lane, approximately 400 feet northeast of its intersection with Gateway Center Drive and approximately 1,700 feet west of MD 355, in Clarksburg. The property, which is identified as lot 27 and lot 28 Garnkirk Farms Subdivision Plat, is generally rectangular in shape and comprises a combined total area of 37.18 acres (19.02 acres in Lot 27 and 18.16 acres in Lot 28). It is currently unimproved and wooded.

C. Surrounding Area

Staff defines the surrounding area as bounded by Clarksburg Road to the north and northwest, I-270 to the west, West Old Baltimore Road to the south and Frederick Road (MD 355) to the east and northeast. This area lies within the 900-acre area that is identified as the Transit Corridor District Study Area in the 1994 Clarksburg Master



Plan. The surrounding area is characterized, at present, by a large employment facility, LCOR (formerly known as COMSAT/ Lockheed Martin), a Technology and Business Park, undeveloped land, schools and related service facilities, and scattered residential uses.

Immediately west and north of the subject property is located a technology and business park in the I-3 Zone. The Gateway Commons development, a 292-unit mixed residential development is located northwest of the subject site in the R-200/TDR Zone. To the east of the subject site are scattered residential uses and undeveloped parcels of land in the R-200 Zone. To the south and southeast, across Shawnee Lane, are the proposed Eastside Development site that was reclassified to the PD-11 Zone (G-824) by Council resolution No. 15-881 in February of 2005); the Board of Education Bus Depot in the R-200 Zone; and a moving company in the I-3 Zone.

D Intended Use and Approval Procedure

The Development Plan shows that the proposed development consists of 408 residential units, including 184 multi-family units, 62 single-family attached (2 over 2) units, 141 townhouses, and 21 single-family detached houses, Fifty-one of the proposed 408 dwelling units would be MPDUs. The development also includes 1256 parking spaces (including 67 street spaces), recreation facilities, and play areas.

The Development Plan depicts three driveway access points—one from Shawnee Lane and two from the future Observation Drive. The Master Plan recommends Shawnee Lane (A-301) for an arterial roadway with an ultimate right-of-way width of 120 feet. The proposed access point to the subject property from Shawnee Lane will be aligned with the access point to the Eastside development located to the south. The applicant proposes to construct two lanes of the future Observation Drive from Shawnee Lane for a length of approximately 1,700 feet along the property’s eastern property line.

The proposed development will be constructed in four phases as indicated on the Development Plan. The Development Plan provides the following development data:

	Permitted/Required	Proposed/Provided
Total Gross Area (ac.)	Sufficient for 50 d.u.	37.18
Zone	R-200 (existing) PD 7-11 (recommended by master plan)	PD-11

Density: Residential (d.u. /ac.)	7-11 d.u./ac minimum 50 d.u.	11 d.u./ac 408 d.u. total including MPDUs.
Unit Types (minimum %) SF detached; SF Attached (2 over 2): Townhouse Multi-family	Permitted 20% 20% 35%	5% 21 d.u. 15% 60 d.u (10 MPDU) 35% 143 d.u (18 MPDU) 45% 184 d.u (23 MPDU)
Green Area (%)	50% (18.59)	51% (18.80 Ac)
Parking Spaces	702	1,189 + 67 street parking

In addition to the local map amendment, this property is subject to other development approval procedures including approval of a Preliminary Water Quality Plan, a final water quality plan, a preliminary plan of subdivision and site plan review by the Montgomery County Planning Board.

E. Zoning History

The property was placed in the R-R Zone during the 1958 Countywide Comprehensive Zoning. In October of 1973, Text Amendment 73013 rezoned the property from the R-R to the R-200 Zone. The 1994 Clarksburg Master Plan and Hyattstown Special Study Area (G-710) retained the property's R-200 Zoning. The land use element of the master plan also placed the subject property in the Transit Corridor District with recommended residential development density of between 9d.u./ac and 11 d.u./ac and a PD 7-11 Zone Classification.



F. Master Plan Recommendation

The 1994 Clarksburg Master Plan and Hyattstown Special Study Area recommends the site for a Planned Development (PD) land use with 9 to 11 dwelling units per acre while the Zoning Map approved with the Master plan recommends the site for PD 7-11 Zoning. The Master Plan identifies the property as part of the Transit Corridor District. The Master Plan recommends the following land use objectives for the Transit Corridor District:

- Continue the present residential character along MD 355.
- Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain residential character along MD 355.
- Continue the present employment uses along I-270.
- Provide housing at designated areas along the transit-way near significant employment uses.
- Allow small amounts of office and retail uses at transit stop areas as part of a mixed-use development pattern.
- Establish strong pedestrian and bicycle linkages to the greenway.
- Improve east-west roadway connections.
- Provide an open space system that includes small civic spaces at the transit stops.

G. Public Facilities:

1. Water and Sewer Service

- a. **Service Categories:** The subject property is Water Category W-1 and Sewer Category S-3.
- b. **Water and Sewer Service:** The Washington Suburban Sanitary Commission (WSSC) has indicated that a new pressure zone will be fed from the 836A zone. A 12-inch water line abuts the property and programmed, sized water main extensions (16 inches in diameter or greater) are not required to serve the property. WSSC also found that local service is adequate and that the proposed rezoning of the subject property will have a negligible impact. However, estimated fire flow requirements would increase.

With respect to sewer, WSSC has indicated that only non-CIP-sized sewer extensions are required to serve the property. Flow from the proposed development is estimated at 83,000 GPD. WSSC also indicated that program-sized sewer mains are not required to serve the property and that the transmission capacity is adequate. The proposed rezoning of the property would not significantly impact the sewerage system.

Further analysis of adequacy will be part of the review at the time of application for water/sewer service.

2. Roadways

The following roadways are located within the Transit Corridor District:

Shawnee Lane: The subject property has a frontage on Shawnee Road from which it will be accessed directly. The Master Plan recommends that Shawnee Lane be reconstructed as a four-lane, 120-foot right of way, divided roadway arterial between Gateway Center Drive and Frederick Road (MD 355). The proposed Development Plan includes dedication of land (25-feet along the property's frontage on Shawnee Lane) for the widening of the road.

Gateway Center Drive (A-300): This is currently a two-lane roadway extended between Clarksburg Road to the north and Shawnee Lane to the south. Gateway Center Drive is also the main street for the Gateway I-270 employment center. The Master Plan recommends that Gateway Center Drive be upgraded to a four-lane arterial roadway within a variable 80 to 120-foot right-of-way.

Clarksburg Road (A-260): The Master Plan classifies the portion of Clarksburg Road (between I-270 and A-305) as an arterial highway with four lanes and a right-of-way width of 120 feet. Clarksburg Road (north) provides access from the I-270 interchange to the subject property through Gateway Center Drive (west) and Shawnee Lane.

I-270: The Master Plan classifies I-270, which is located west of the subject property, as a freeway with eight lanes and a master plan right-of-way of 350 feet.

Newcut Road Extended (A-302): An east-west Master Plan roadway extending between Clarksburg Road (west) and Ridge Road (east), south of the subject property. In the vicinity of the subject property, A-302 is recommended for a four-lane divided arterial highway with a right-of-way width of 120 feet.

Frederick Road (MD 355): A major highway parallel to I-270 which extends from Frederick County to the north through Montgomery County to Washington DC to the south. Frederick Road in the vicinity of the subject property is currently a two-lane road. The Master Plan recommends that this portion of MD 355 (A-251) be upgraded to a 4-lane divided arterial highway. The subject property is accessed from MD 355 through Shawnee Lane.

3. Schools

The Department of Planning and Capital Programming of the Montgomery County Public Schools (MCPS) indicated that the property is located within the Clarksburg Elementary School, Rocky Hill Middle School, and Damascus High School service areas. The proposed development of 489 (as initially proposed) dwelling units is estimated to generate 92 elementary, 37 middle and 57 high school students. The Department stated that the current Annual Growth Policy (AGP) schools test finds capacity adequate in the Damascus Cluster.

The Montgomery County Public Schools Department of Planning and Capital Programming of MCPS has also offered the following comments:

Currently, enrollment at Clarksburg Elementary School exceeds capacity and is projected to exceed capacity through 2010-11. In August 2006, a new elementary school is scheduled to open in the area—Clarksburg /Damascus Elementary School #7—and enrollment at Clarksburg Elementary School will be reduced as boundaries for the new school are implemented. In August 2009 another new elementary school is scheduled to open in the area — Clarksburg/Damascus Elementary School #8—and enrollment at Clarksburg Elementary School will further be reduced when boundaries for this new school are adopted. Enrollment at Rocky Hill Middle School is projected to be within capacity through 2008-09, and then to exceed capacity in 2009-10 and 2010-11. As Clarksburg builds-out, an additional middle school will be needed to address enrollment growth. This additional middle school is not yet programmed. Enrollment at Damascus High School exceeds capacity currently and is projected to exceed capacity through 2010-11. However, in August 2006, a new High School—Clarksburg /Damascus Area High School—is scheduled to open, and from 2006-07 through 2010-11 enrollment will be reduced as boundaries for the new school are implemented.

It should be noted that the number of units has been substantially reduced from the 489 that MCPC used for its above site review to the 408 that is proposed in the current application.

H. ANALYSIS

I. Purpose of the Zone

Section 59-C-7.11 of the Zoning Ordinance establishes the purpose of the Planned Development Zone as follows:

It is the purpose of this zone to implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. It is intended that this zone 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. In so doing, it is intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.

It is further the purpose of this zone that development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities.

It is furthermore the purpose of this zone to provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types.

Additionally, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees and, in order to do so, minimize the amount of grading necessary for construction of a development.

It is further the purpose of this zone to encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development.

It is also the purpose of this zone to encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities, and thereby minimize reliance upon the automobile as a means of transportation.

Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which offer opportunities for a wider range of related residential and nonresidential uses, it is therefore the purpose of this zone to encourage development on such a scale.

It is further the purpose of this zone to achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.

This zone is in the nature of a special exception, and shall be approved or disapproved upon findings that the application is or is not proper for the comprehensive and systematic development of the county, is or is not capable of accomplishing the purposes of this zone and is or is not in substantial compliance with the duly approved and adopted general plan and master plans. In order to enable the council to evaluate the accomplishment of the purposes set forth herein, a special set of plans is required for each planned development, and the district council and the planning board are empowered to approve such plans if they find them to be capable of accomplishing the above purposes and in compliance with the requirements of this zone.

The applicant has worked with staff and the community to address concerns and issues associated with this application such as mix of unit types, location of buildings, retention of existing forest and transportation related issues. The Development Plan has been revised several times to accommodate these and other issues (including concerns raised during the Preliminary Water Quality and stormwater management concept approval process at DPS). The last amended Development Plan was submitted on July 10, 2006. Staff finds the revised Development Plan to be consistent with the purposes of the zone as well as the General Plan and the Clarksburg Area Master Plan.

The proposed Development Plan depicts 408 single and multi-family units. The project data table provided on the Development Plan indicates the

proposed development's consistency with the recommendations of the Clarksburg Master Plan for the transit area:

	Master Plan Recommendation	Revised Development Plan Proposal
Multi-Family	30% to 50% multi-family	45%
Single-family attached	40% to 60%	50%
Single-family-detached	5% to 10	5%

The proposed Development Plan provides a range of dwelling types to satisfy the intended purpose of the Zone within the immediate neighborhood (Transit Corridor District). In response to concerns raised by the Planning Board, the planning staff, and the Clarksburg civic association, the revised Development Plan proposes scaled down heights and density of buildings from that which was originally proposed

In contrast to the original proposal that brought to question the depiction of the 2 over 2 units as single-family units, the revised plan shows that the 2 over 2 units are noticeably designed with ground level outdoor spaces for the exclusive use of each unit with its own private outdoor entrance in a manner that clearly distinguishes the units as single-family attached. In terms of height, the revised plan proposes a maximum 4 stories 51 feet (at mid point of the roof, measured from the first floor level slab) for the 2 over 2 units. The number of 2 over 2s dropped from 172 to 62.

The revised Development Plan (submitted July 10, 2006) also provides the proposed heights and setbacks for the various types of residential units (see discussion in Section I-Master Plan).

Division 59-C-7 (Planned Unit Development) of the Zoning Ordinance does not specify height limits for the various housing types within the medium high density category (PD 9, 11 and 13). References such as "4-story or less" and "over 4-story" are found under the percentage requirements for multi-family units in a table for residential unit mixes under **Section 59-C-7.131**. However, these references are not framed as height requirements under which a finding of compliance is to be made. The only other reference to height in the proposed zone is contained in **Section 59-C-7.15 (Compatibility)** which specifies the following:

- (b) In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:
- (1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and
 - (2) No building can be constructed to a height greater than its distance from such adjoining land.

The proposal meets these requirements.

Section 59-A-2.1 of the Zoning Ordinance defines "height of building" as follows:

Height of building: The vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof. However, if a building is located on a terrace, the height above the street grade may be increased by the height of the terrace. In the case of a building set back from the street line 35 feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. On a corner lot exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade. For a lot extending through from street to street, the height may be measured from either curb grade

Page 18 of the applicant's supplemental planning report, dated July 7, 2006, states the following:

Neither the four story multi-family nor the attached residences will be higher than their respective distance from the adjacent R-200 Zoned land. The applicant has presented height as two variables:

1. the building structure height and
2. the zoning ordinance definition of height.

The building structure height is the height of the building from the floor of the first above-grade level to the mid-point of the roof. This

building structure height is then added to the grade conditions on-site to comport with the zoning ordinance definition of “height of building.” In order to create standards that are to be applied at a later juncture by MNCPPC Staff and the Planning Board, and to limit development in accordance with the proposed Development Plan, the applicant has set forth a not to exceed height figure, calculated in accordance with the zoning ordinance, that adds the anticipated worst grade conditions, 12 feet, to the building structure height. This results in the number of feet that a building cannot exceed, taking into account the structure itself and the topography that exists on the site.

The applicant provided the following table (also depicted on Sheet 2 of 2 of the Development Plan) to show the proposed heights for the various types of buildings employing the method of measurement provided under the Definition for Height of Building (**Section 59-A-2.1**). The applicant assumes a building structure height plus a grading of 3 feet for a typical height, and the building structure height plus a grading of 12 feet (anticipated worst grade condition) to arrive at the *Not To Exceed* figure.

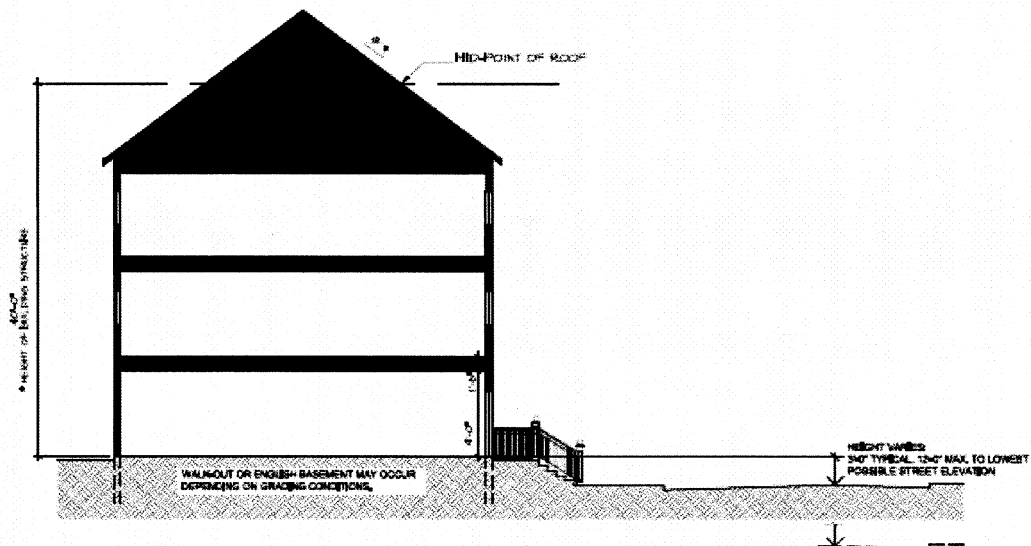
ZONING ORDINANCE HEIGHT		
The height as measured by the Zoning Ordinance. This is the Building Structure Height plus the grade dependent height of centerline of street to floor of the first above-grade level.		
Single Family Detached	<i>Stories</i>	2 or 3
	<i>Typical</i>	32'
	<i>Not to Exceed</i>	41'
Single Family Attached [Townhome]	<i>Stories</i>	3 or 4
	<i>Typical</i>	43'
	<i>Not to Exceed</i>	52'
Single Family Attached [2/2]	<i>Stories</i>	4
	<i>Typical</i>	54'
	<i>Not to Exceed</i>	63'
Multifamily	<i>Stories</i>	4
	<i>Typical</i>	55'
	<i>Not to Exceed</i>	64'
Clubhouse	<i>Stories</i>	1 or 2
	<i>Not to Exceed</i>	36'

Staff is of the opinion that adding 12 feet of height to the structures (due to grade conditions) is excessive. Every effort should be made so that the taller structures should not be placed where the grading would be excessively high.

The applicant has also provided the following table to show the heights of the proposed structures irrespective of the grade conditions:

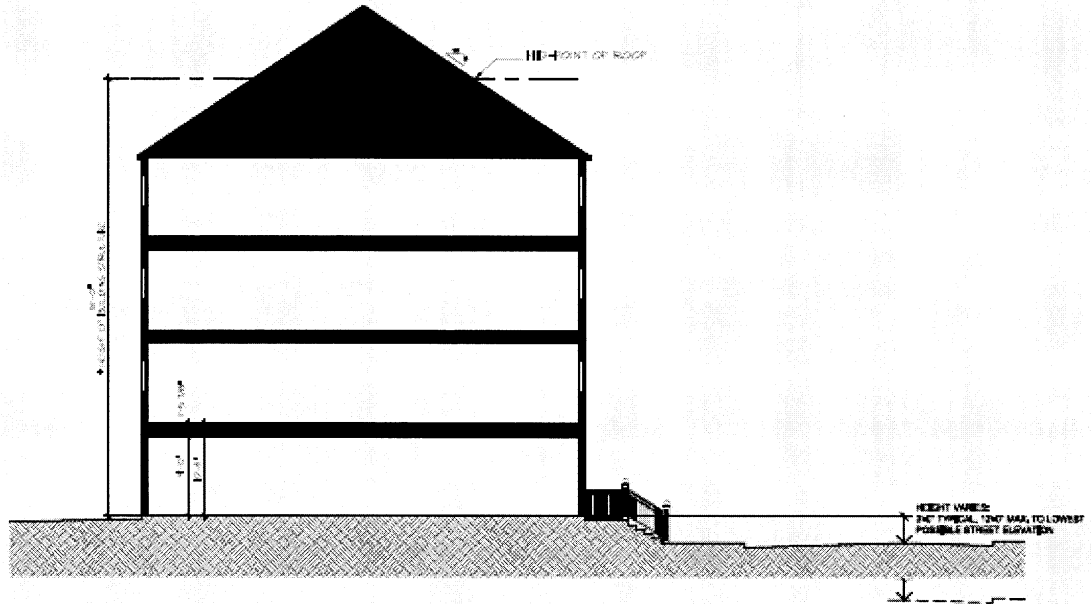
BUILDING STRUCTURE HEIGHT	
The height of the building from the floor of the first above-grade level to the mid-point of the roof. This does not represent height as calculated in the zoning ordinance.	
	<i>Not to Exceed</i>
Single Family Detached	29'
Single Family Attached [Townhome]	40'
Single Family Attached [2/2]	51'
Multifamily	52'
Clubhouse	24'

BUILDING SECTIONS



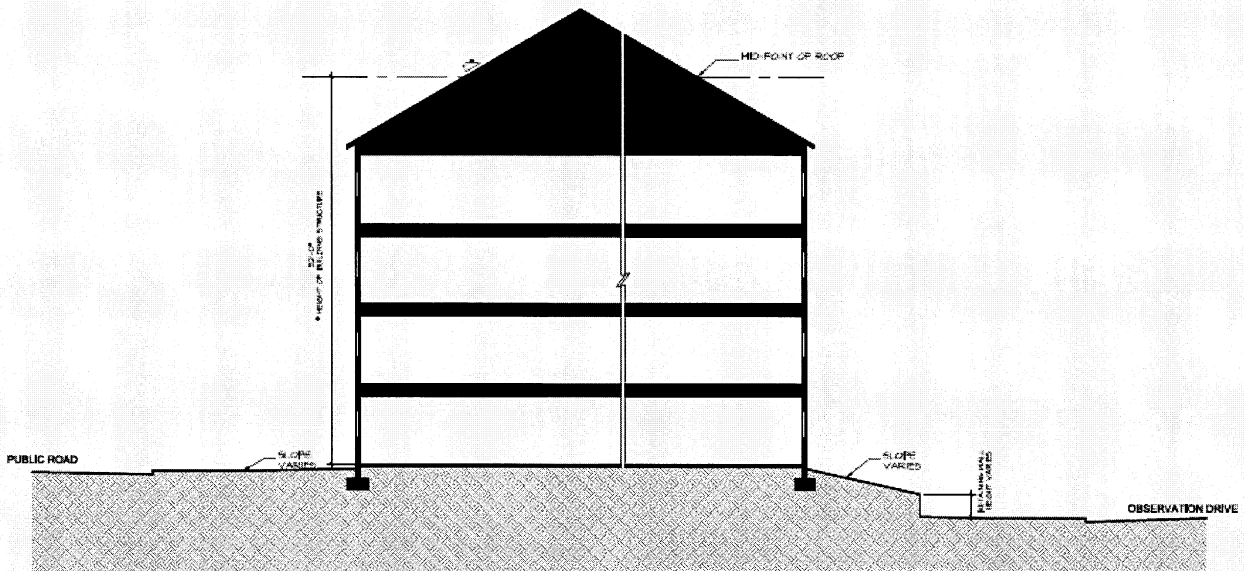
* HEIGHT OF BUILDING STRUCTURE TOWN HOUSES

* THIS EXHIBIT DEPICTS THE HEIGHT OF THE BUILDING FROM THE FLOOR OF THE FIRST ABOVE GRADE LEVEL TO THE MID-POINT OF THE ROOF. THIS EXHIBIT DOES NOT MEASURE HEIGHT AS CALCULATED IN THE ZONING ORDINANCE.



*** HEIGHT OF BUILDING STRUCTURE
SINGLE FAMILY ATTACHED HOUSES (TWO OVER TWO)**

* THIS EXHIBIT DEPICTS THE HEIGHT OF THE BUILDING FROM THE FLOOR OF THE FIRST ABOVE GRADE LEVEL TO THE MID-POINT OF THE ROOF. THIS EXHIBIT DOES NOT MEASURE HEIGHT AS CALCULATED IN THE ZONING ORDINANCE.



*** HEIGHT OF BUILDING STRUCTURE
MULTI-FAMILY APARTMENT**

* THIS EXHIBIT DEPICTS THE HEIGHT OF THE BUILDING FROM THE FLOOR OF THE FIRST ABOVE GRADE LEVEL TO THE MID-POINT OF THE ROOF. THIS EXHIBIT DOES NOT MEASURE HEIGHT AS CALCULATED IN THE ZONING ORDINANCE.

The applicable zoning sections for the proposed application do not provide for specific design standards for 2 over 2s or one-family attached residential units such as the ones depicted in the proposed Development Plan. Section 59-A-2.1 of the Zoning Ordinance defines one-family attached dwelling unit as follows:

Dwelling unit, one-family attached: A dwelling unit that is in a structure consisting entirely of dwelling units, each of which (1) is attached to one or more other dwelling units, (2) has at least one direct entrance from the outside, and (3) has an abutting ground level outdoor area for the exclusive use of its occupants. This definition does not include a "dwelling unit, townhouse," as defined in this section.

The definition is general and it fails to clarify what constitutes an outdoor private area. For example, it is not clear whether or not the outdoor private area includes a grassed and/or landscaped area, driveway, patio, porch, deck, sunroom, rooftop deck, atrium and/or balcony. Nor there are design guidelines for the appearance, size and location of private outdoor areas for 2 over 2s or single-family attached units.

However, working with the Community and the planning staff, and incorporating the new urbanism design concepts, the revised Development Plan has managed to address the concerns of the Community and the Planning Board. The Plan integrates a variety of housing types, streetscapes and street networks that invite pedestrians, a central community facility, small-scale open spaces, and landscaping. Through the combination of these elements, the plan creates a physical setting which projects a street-oriented and pedestrian friendly community. The revised Development Plan provides for a unified form of development at an overall density that is consistent with the recommendations of the master plan. The applicant proffers 29 binding elements addressing scale, pedestrian circulation, building orientation, parking and open space relationships.

An approximate 100-foot-deep forested area along the property's western boundary (for approximately 75 percent of the length of the property) separates the proposed residential development from the adjoining industrial zoned properties and serves as a buffer between the two uses. The forested area will be left undisturbed and is counted as part of the forest conservation requirement. **The Environmental Planning staff has recommended that a measure should be taken to improve the quality of the retained forest by enrichment planting with suitable hardwood species. Staff encourages the applicant to institute the measure since the retained forest with the recommended improvement would**

provide for a more desirable physical environment for the future residents of the proposed development.

The property is within the Clarksburg Special Protection Area (SPA) and therefore, is subject to Preliminary Water Quality review and approval by the Planning Board. The Environmental Planning staff has recommended approval of a Preliminary Water Quality Plan for the proposed development with conditions. The Department of Permitting Services has also conceptually approved the portion of the applicant's Preliminary Water Quality Plan under its purview.

The Development Plan shows coordination with the future transit-way (Observation Drive) and associated transit stop that are located adjacent to the subject site. As noted, the subject property is located adjacent to Observation Drive and as indicated by the applicant, nearly all of the proposed residential units are located within one-quarter mile of the proposed future Transit Stop. The applicant has agreed to place the Cawood Property in reservation for future transit related parking. **However, there is a conflict between the applicant and the Transportation Planning staff's position regarding the length of time that the property would be retained in reservation. The Transportation Planning staff recommends for the property to be held in reservation for 10 years while the applicant proffers 3 years from the date of the preliminary plan approval.** The Cawood property is located at the northeast corner of the intersection of Observation Drive and Shawnee Road, across the street (future Observation Drive) from the subject site.

The plan also provides for an internal vehicular circulation pattern with a vista of the 7.39-acre retained forested area (western and northern portion of the property) and a sidewalk system to promote an effective pedestrian circulation network through out the development. With a total of 1189 parking spaces (an average of 2.9 spaces per dwelling unit) and an additional 67 on street spaces, adequate parking accommodation is provided for residents and visitors.

Staff is of the opinion that the proposed development generally complies with the purpose of the Planned Development Zone. The proposed development will be a logical extension of the planned communities proposed for the adjacent properties to the northeast, south and southwest.

59-C-7.12. Where Applicable.

59-C-7.121. Master plan: No land can be classified in the planned development zone unless such land is within an area for which there

is an existing, duly adopted master plan which shows such land for a density of 2 dwelling units per acre or higher.

59-C-7.122. Minimum area: No land can be classified in the planned development zone unless the district council finds that the proposed development meets at least one of the following criteria:

- (a) That it contains sufficient gross area to construct 50 or more dwelling units under the density category to be granted;
- (b) That it would be a logical extension of an existing planned development;
- (c) That it would result in the preservation of an historic structure or site (as indicated on the current historic sites identification map or as recommended by the planning board as being of historic value and worthy of preservation);
- (d) That the accompanying Development Plan would result in the development of a community redevelopment area;
- (e) That the site is recommended for the PD zone in an approved and adopted master or sector plan and so uniquely situated that assembly of a minimum gross area to accommodate at least 50 dwelling units is unlikely or undesirable and the development of less than 50 dwelling units is in the public interest.

The proposed development is consistent with the 1994 Clarksburg Master Plan and Hyattstown Special Study Area, which recommends the subject property for PD 7-11 Zone. The proposed development substantially exceeds the minimum gross area required by the PD Zone to construct 50 or more dwelling units.

59-C-7.13: Uses permitted

Pursuant to **Section 59-C-7.131**, all types of residential uses, including accessory uses, are permitted in the PD Zones. The proposed PD-11 is classified as a medium density development with the following required minimum percentage for each dwelling unit type.

		Minimum (Maximum) Percentage				
		One-Family		Multiple-Family		
Medium: PD-9, & PD-13	PD-11	Less than 200	P	25	25	NP
		200-800	P	20	35	NP
		More than 800	P	20	35(60)	P(30)

As proposed and depicted on the Development Plan, the proposed development is consistent with this requirement.

59-C-7.14. Density of Residential Development.

An application for the planned development zone must specify one of the density categories specified under this sub-section.

As noted, the Master plan recommends a PD 7-11 Zone for the subject property. The applicant is requesting the PD-11 Zone which is at the higher end of the recommended Zone. The Zoning Ordinance places the PD-11 Zone in the Medium Density Development category with a maximum of 11 dwelling units per acre. Given the size of the property, a total of 408 units (not including bonus density for additional MPDU's) are allowed. Full development (including bonus MPDUs) in the PD-11 Zone would permit 489 units. The applicant proposes a total of 408 units (including MPDU's).

59-C-7.15: Compatibility

- (a) **All uses must achieve the purposes set forth in section 59-C-7.11 and be compatible with the other uses proposed for the planned development and with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.**

- (b) **In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:**
 - (1) **No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and**
 - (2) **No building can be constructed to a height greater than its distance from such adjoining land.**

The proposed development is generally compatible with the existing and future land uses in the area in terms of land use, density and bulk.

59-C-7.16. Green area.

Green area must be provided in amounts not less than indicated by the following schedule:

The Medium Density PD-11 Zone requires a minimum green area of 50 percent. The applicant's Development Plan proposes 51 percent green area.

59-C-7.17. Dedication of land for public use

Such land as may be required for public streets, parks, schools and other public uses must be dedicated in accordance with the requirements of the county subdivision regulations, being chapter 50 of this Code, as amended, and the adopted general plan and such adopted master plans and other plans as may be applicable. The lands to be dedicated must be so identified upon Development Plans and site plans required under the provisions of article 59-D.

The Transportation Planning Section review of the proposal indicates that the applicant will be constructing Observation Drive (A-19) from Shawnee Lane to the northern-most point of access as a two-lane arterial roadway including a five-foot sidewalk within the frontage of the Property. The supplemental planning report indicates that 25 feet of right-of-way will be provided by this application for the widening of Shawnee Lane. The applicant will also construct that portion of Observation Drive that is within the boundaries of the subject property. The Transportation Planning staff has put forward a number of conditions that would be addressed during post-zoning stages (see Section J of this report).

59-C-7.18. Parking facilities.

Off-street parking must be provided in accordance with the requirements of article 59-E.

The applicant has provided the following table to show the break down of the parking spaces:

Garnkirk Farms Parking Tabulations						
Required			Provided			
Unit Type	Dwelling Units	Required Parking		Garage	On-Lot	Total
Single Family Attached Townhomes (TH)	141	282	TH	282	282	564
Single Family Attached (2/2s)	62	124	2/2s	62	62	124
Single Family Detached (SFD)	21	42	SFD	42	34	76
Multi-family	184	254	Multi-family	289	0	289
1 Bedroom x 1.25 sp	90	113				
2 Bedroom x 1.50 sp	94	141				
			On Private Street/Alleys			136
Total Parking Required		702	Total Parking Provided			1189
			On Public Street (60' ROW only)			67
			Total Parking Provided including Public Streets			1256

A total of 702 parking spaces are required. According to the parking schedule, a total of 1,256 parking spaces (including 67 spaces on a public street) are provided. The proposed off-street parking is consistent with the Zoning Ordinance.

II. Specific Findings

59-D-1.61. Findings.

Before approving an application for classification in any of these zones, the District Council must consider whether the application, including the Development Plan, fulfills the purposes and requirements in Article 59-C for the zone. In so doing, the District Council must make the following specific findings, in addition to any other findings, which may be necessary and appropriate to evaluate the proposed reclassification:

- (a) The zone applied for substantially complies with the use and density indicated by the master plan or sector plan, and does not conflict with the general plan, the county capital improvements program, or other applicable county plans and policies. However, to permit the construction of all MPDUs required under Chapter 25A, including any bonus density units, on-site, a Development Plan may exceed, in proportion to the MPDUs to be built on site, including any bonus density units, any applicable residential density or building height limit established in a master plan or sector plan if a majority of an Alternative Review Committee composed of the Director of the Department of Housing and Community Affairs, the Executive Director of the Housing Opportunities Commission, and the Director of Park and Planning, or their respective designees, find that a development that includes all required MPDUs on site, including any bonus density units, would not be financially feasible within the constraints of any applicable density or height limit. If the Committee finds that the development would not be financially feasible, the Planning Board must recommend to the District Council which if any of the following measures authorized by Chapter 59 or Chapter 50 should be approved to assure the construction of all required MPDUs on site:**
 - (1) exceeding an applicable height limit, lower than the maximum height in the zone, that was recommended in a master plan or sector plan,**

- (2) exceeding an applicable residential density limit, lower than the maximum density in the zone, that was recommended in a master plan or sector plan, or**
- (3) locating any required public use space off-site.**

The requested reclassification of the PD-11 Zone substantially complies with the recommendations contained in the Clarksburg Master Plan. As noted, the master plan recommends a PD 7-11 Zone for the subject property. As such, the applicant is requesting the higher end of the recommended density. The proposed 408 units (including MPDUs) shown on the Development Plan are within the maximum density allowed in the PD-11 Zone. The applicant is not claiming any bonus density for the MPDUs. The proposed development will not conflict with the County's Capital Improvements Program (CIP) or other applicable County plans and policies.

- (b) That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.**

The proposed development would comply with the purposes, standards, and regulations of the PD-11 Zone. The Development Plan shows coordination with the future transit-way and associated transit stops that are located at very close proximity to the subject property. The property is separated from the sparsely developed, low-density residential properties located along the proposed 150-foot right-of-way for the future Observation Drive and the Transit-way facility. Maximum safety will be provided through vehicular accesses and sidewalk systems.

The Development Plan also provides coordinated vehicular connections to future developments on adjacent properties (Eastside). The site is located across the street from Eastside, a recently approved (PD-11 Zone) residential development, and it would be compatible with that development. The proposed development will be adequately buffered from the adjoining employment facilities to the north and west by retention of existing forested area. Amenities include recreational facilities located at a central location as well as open play and seating areas.

The Development Plan also addresses a number of issues and concerns raised at the March 23, 2006 Planning Board hearing. As

a result, the plan represents superior site design, scale and density than that of the plan presented at the March 23, 2006 hearing.

- (c) **That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.**

The review and analysis of the subject proposal by the Transportation Planning Section finds the proposed access to the site, as shown on the Development Plan, to be safe and adequate. Furthermore, the internal pedestrian circulation and walkways, as shown on the Development Plan, provide for a safe and adequate movement of pedestrian traffic.

- (d) **That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.**

The Environmental Planning Section analysis of the proposed development identifies the following concern regarding the proposed preliminary water quality plan:

Per the plan, 9.4 acres of the property will be treated offsite within the buffer of a Great Seneca Creek tributary. The 9.4-acre drainage area covers development that is part of this case (5.4 acres covering the western lane of Observation Drive and the easternmost portion of the property) and future development by others (4.0 acres of the eastern lane of Observation Drive and part of Shawnee Lane). Stormwater from the development of Garnkirk Farms must be treated within the legal limits of the property. In that regard the applicant must modify the Preliminary Water Quality Plan to show onsite treatment of stormwater from the western lane of Observation Drive and housing units at the eastern portion of the property. This may mean the reconfiguration of site layout, and loss of yield.

- (e) **That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.**

The applicant in this case is the current owner of the property and has indicated that site plan conditions and/or Home Owners Association documents and agreements showing methods of assuring maintenance will be entered into during site plan review.

I. **Master Plan**

Upon reviewing the proposal for Master Plan consistency, the Community Based Planning Division has offered the following comments:

RELATIONSHIP TO CLARKSBURG MASTER PLAN

Land Use Plan

The subject property is located within the Transit Corridor District of the 1994 Clarksburg Master Plan Area. The Transit Corridor District includes properties fronting MD 355 which 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 in this District is to maintain and continue this residential character while addressing the need for increased traffic capacity along MD 355.

The Transit Corridor District 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 high enough to be supportive of transit.

The Master Plan recommends a mixed-use neighborhood at the north most transit stop. It states that 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 southern transit stop will be employment-oriented and serve the LCOR property, a major office park only partially developed. A mix of residential uses at this stop will occur if vacant land on the LCOR (COMSAT) property is developed for residential uses other than office or research. The Land Use Plan for the Transit Corridor is shown in Figure 1.

The Master Plan objectives listed on pages 54 to 58 of the Plan are as follows:

- Continue the present residential character along MD 355.
- Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain a residential character along MD 355.
- Continue the present employment uses along I-270.
- Provide housing at designated areas along the transitway near significant employment uses.
- Allow small amounts of office and retail uses at transit stop areas as part of a mixed-use development pattern.
- Establish strong pedestrian and bicycle linkages to the greenway.
- Improve east-west roadway connections.
- Provide an open space system, which includes small civic spaces at the transit stops.

The Master Plan recommended housing mix for the Transitway Area of the Transit Corridor District be as follows:

Multi-Family 30-50 percent	Attached 40-60 percent	Detached 5-10 percent
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MASTER PLAN LAND USE OBJECTIVES

The proposed project is consistent with the Clarksburg Master Plan as follows:

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

The proposed development provides 408 housing units, 11 units per acre, as recommended in the Master Plan. This level of residential density is appropriate given that it is within walking distance to a future transit station and to existing and future employment uses. Residential uses are the most appropriate uses for this site because of the location of the transit station.

The Master Plan designates land adjoining the transit stops as residential and will result in approximately 1,000 units in close proximity to employment. There are a number of different residential parcels that comprise the Transit District and will give the opportunity to achieve a wide range of unit types.

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 MD 355 to six lanes would be in direct conflict with the Master 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:

- MD 355 should be reclassified from a major thoroughfare to an arterial street.
- An alternative north-south thoroughfare (Observation Drive) is recommended to help accommodate anticipated traffic.

The Master Plan recommends the construction of Observation Drive Extended (A-19) as a four-lane divided arterial with a 150-foot right-of-way. As stated on page 122 of the Master Plan, "this roadway is an extremely important element of the Master Plan for several reasons:

- It will one day connect with Observation Drive in Germantown, thereby offering an alternative route to MD 355.
- It is proposed to be wide enough to accommodate a separate bus lane or light rail.
- It will help provide additional access to the Study Area's major employment areas.

The Master Plan indicates that the alignment of Observation Drive in the vicinity of Shawnee Lane is along the eastern edge of the Garnkirk Farm property as shown in Figure 1. This portion of Observation Drive also incorporates the Corridor Cities Transitway within a shared 150-foot wide right-of-way and a transit station at the Garnkirk Farms property.

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

An interconnected street system is essential in achieving a walkable and transit serviceable community. The Development Plan provides an interconnected street network with connections to adjacent Eastside development along Shawnee Road and two entrances along Observation Drive. In addition to the vehicular connections, a pedestrian sidewalk network also provides connectivity and encourages transit ridership.

Diversity of Housing Types

The Master Plan endorses a mix of unit types at the neighborhood level. Throughout the Transit Corridor District a range of unit types must be achieved with 30-50 percent multi-family, 40-60 percent attached, and 5-10 percent single-family detached units.

The Development Plan provides a range in housing types as follows:

5 percent Single-Family Detached (21 units)
50 percent Single-Family Attached (203 units)
45 percent Multi-family (184 units)

The proposed binding elements clearly indicate that all 2 over 2 units will be developed with ground level outdoor space for the exclusive use of the occupants of each unit and that each unit will have its own outdoor entrance ensuring that they can be properly classified as single-family attached units. This responds to the Planning Board's concern that the 2 over 2 units are developed as single-family attached units and therefore conform to the Master Plan's mix of unit types.

The Planning Board also recommended during the review of the Eastside rezoning application that it would be important to ensure that adjacent properties within the Transit Corridor District achieve a more extensive range of unit types.

Neighborhood Recreation Areas and Civic Open Space

The Master Plan calls for recreation opportunities for residents within individual neighborhoods, in addition to County operated parks (see page 162 of the Master Plan). These areas are to accommodate private recreation needs for tot lots and picnic areas, and provide usable open areas for gathering and social interaction.

The Development Plan provides for a number of large and small recreation areas for the enjoyment of the community and will meet the recreation guidelines. The arrangement of large open spaces at the center of the site and along Observation Drive will create a central focus and gathering point in the heart of the community. Smaller recreation areas such as tot lots are dispersed throughout the project.

Building Heights and Setbacks

The Planned Development (PD) Zone provides flexibility in establishing building heights and setbacks, and allows heights and setbacks to be

established by the Development Plan. This flexible zoning approach is desirable in that it permits a more customized response to a specific site.

The Development Plan proposes building structure heights as measured from the first floor slab to the mid point of the roof not to exceed the following heights:

Single-Family Detached	29 feet:	2 stories (potentially 3 from the rear)
Single-Family Attached THs	40 feet	3 stories (potentially 4 from the rear)
Single-Family Attached 2 over 2	51 feet	4 stories
Multi-family	52 feet	4 stories
Club House	24 feet	1 or 2 stories

The proposed stories are appropriate and will be compatible with adjacent development. Three story townhouses are located along Observation Drive with four-story multi-family units located directly adjacent to the transit station. Three and four-story units are located along Shawnee Drive opposite similar building heights on Eastside, the property to the south.

The precision of the proposed building height is somewhat problematic in that specific architecture is usually not known at the time of zoning. It is important to set building heights sufficient to allow the number of desired stories and achieve architecturally interesting and varied roof lines. Such precision at this point restricts design flexibility later on. Staff would prefer if the building heights at least were set at rounded off numbers rather than try to be so precise at zoning.

The Development Plan proposes building setbacks that are desirable and appropriate for the height of the buildings and adjacent street widths. Along Observation Drive and Shawnee Lane, the plan provides for 25-foot building setbacks to ensure compatibility with these major roadways. Internally, the plan establishes a 10-foot setback from the right-of-way that provides space for plantings between the unit and the public sidewalk. More space is provided for the 2 over 2 units to accommodate the ground level outdoor space requirement.

Parking

The Development Plan provides for all required parking predominately within garages with additional required spaces within driveways. This is desirable in that street parking is then available for guest parking. This is an improvement over the previous plan that relied upon street parking for some units.

Binding Elements

The Development Plan provides a list of binding elements that is responsive to the Planning Board's concerns expressed during the March 23, 2006 public hearing. These concerns focused upon the need to ensure that the proposed development met the purpose clause of the PD Zone and the spirit of the Clarksburg Master Plan.

The binding elements address scale, pedestrian circulation, building street orientation, parking, and open space relationships. The binding elements will result in a walkable and functional neighborhood, attractively landscaped and proportionally arranged with a sense of center developed as a community-gathering place.

Binding Element 10, however, does not conform to DPWT policy that requires driveways to accommodate the full length of a vehicle and not impede on an adjacent sidewalk. The Development Plan language states that "where possible" vehicles should be able to accommodate a full length thus implying that it may not always be possible. Staff recommends that Element 10 should be eliminated or the flexible wording "where possible" be eliminated.

Concerns to be Addressed at Site Plan

1. Architecture

The multi-family structure at the corner of Observation Drive and Shawnee Lane needs to be developed with an architectural façade and corner treatment that acknowledges its corner location. This is an opportunity to create an interesting building corner given its visually prominent location.

2. Open Space and Recreation

The plan needs to recreationally develop the proposed open space near the multi-family units to provide convenient recreation closer to the more intensely developed area of the community. The Stormwater Management area would be an appropriate location for additional recreation if permitting agencies approve.

3. Compatibility of Rear Alleys and Adjacent Street and Units

Internal compatibility of rear alleys and garages needs to be improved by the use of walls screening the alleys and planted with landscaping. This is especially important at the entrance streets to the community where rear garages and alleys are in view.

4. Underground Stormwater Management Areas

Given the intensity of the development, these areas must be useable for passive recreation and developed with amenities such as landscaping, walkways and seating. The stormwater management areas are highly visible and directly adjacent to units and major entrances to the community. If acceptable to permitting agencies, developing such areas with recreational equipment, thus eliminating all proposed play areas in rear parking areas would be preferable.

5. Landscape and Lighting

The site plan shall include a landscape and lighting plan that achieves a high level of landscaping and amenity given the close proximity of units and the need to soften the view.

Front garden terraces of the single-family attached 2 over 2 units should be landscaped and defined as private outdoor space. Open spaces and stormwater management areas should be landscaped with shade trees defining areas and creating attractive seating areas for enjoyment. Units should be landscaped with foundation plantings including sidewalls and end units so that building walls are enhanced by green landscaping. Residential alleys with parking areas should provide adequate space for shade trees to improve the visual character of these alleys.

Streetscape along all perimeter roadways will be required in accordance with the Clarksburg Streetscape Plan. Furnishings for the public rights-of-way will include seating, trash receptacles and street lighting. Internal streets should also receive street trees, benches and pedestrian scaled lighting along both sides of the streets.

CONCLUSION

The revised Development Plan conforms to the Master Plan recommendations by providing sufficient residential density adjacent to transit and employment areas in an attractive arrangement of open space and development. The proposal meets the required mix of units recommended in the Master Plan. The arrangement of units, street system, and open spaces achieves the vision of the Master Plan in creating a transit-serviceable, traditional community.

J. Transportation Issues

Upon reviewing the subject proposal the Transportation Planning staff offered the following comments:

Site Access and Vehicular/Pedestrian Circulation

The proposed Garnkirk Farms development will have two access points from Observation Drive and one access point from Shawnee Lane that will be aligned with the access point to the Eastside development.

Staff finds the proposed access to the site, as shown on the Development Plan, to be safe and adequate. Staff also finds that the internal pedestrian circulation and walkways as shown on the Development Plan provide for a safe and adequate movement of pedestrian traffic.

Local Area Transportation Review

A revised traffic study was submitted to determine the impact of the proposed development on area transportation system. The revised study included using newly counted traffic at the intersection of MD 355 and Shawnee Lane, taking into consideration the effect of newly built segment of Stringtown Road between MD 355 and I-270, modifications to the approved Eastside development and the new plan for the Garnkirk Farms. Four local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The proposed development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. The result of CLV calculation is shown in the following table.

Table 1

	Existing		Background		Total**	
	AM	PM	AM	PM	AM	PM
MD 121/Gateway Center Drive	840	848	1,151	1,262	1,209	1291
MD 355/Stringtown Road	1,438	1,309	1,428	1,382	1,428	1,382
MD 355/Shawnee Lane	1,438	1,202	1,082	1,218	1,094	1,275
Gateway Center Drive/Shawnee Lane	117	1,438	239	380	361	490

**Total development conditions with proposed roadway improvements

As shown in the above table, all existing intersections analyzed around development and total development conditions, all intersections analyzed are also projected to operate at acceptable 1,450 CLV congestion standard upon implementation of the roadway improvements committed by the applicant of the Eastside development, DPWT's CIP Project for improvements of MD 355/Shawnee Lane intersection and this applicant along with other developers commitments for roadway and intersections improvements in the area. Those intersection improvements are planned for Clarksburg Road (MD 121) and Gateway Center Drive (becomes Gateway Center Drive/Stringtown Road Extended).

Master Plan Transit Requirements Review

The 1994 Clarksburg Master Plan recommends a complete transit system as part of the Transportation and Mobility Plan to support future developments in the area with emphasis on transit use in accordance with the Plan objectives for transit-oriented community developments in Clarksburg. The Master Plan recommends the location of the transitway within the entire length of the A-19 (Observation Drive) right-of-way from Germantown to MD 355 and identifies the Garnkirk Farms site as one of the Transit Stop. The Development Plan shows the right-of-way needed for Observation Drive (A-19) that includes areas for the transitway. The Park-and-Ride lot at the Cawood Property that was acquired by the applicant to satisfy the master planned transit stop requirement will be placed in reservation for ten years. Staff supports the applicant's proposal to place the Cawood Property in reservation for future acquisition by the governmental authority should it be required for the of a transit related parking garage.

CONCLUSION

Staff concludes that the 408-dwelling unit residential development of the Garnkirk Farm proposed under PD-11 with roadway improvements that are conditioned in this memorandum will not have an adverse impact on the surrounding roadway network.

The Transportation Planning Section staff has recommended the following conditions as part of the APF test for transportation requirements related to approval of the subject application:

- 1. Total development under the proposed zoning application is limited to 184 multi-family units, 203 townhouses, and 21 single-family homes for a total of 408 dwelling units.**
- 2. The applicant shall construct Observation Drive (A-19) from Shawnee Lane to the northern-most point of access as a two-**

lane arterial roadway including a five-foot sidewalk within the frontage of the Property. The phasing plan for Observation Drive construction pertaining to the number of building permits shall be determined as a part of preliminary plan review.

3. The applicant shall provide the following improvements at the intersection of Stringtown Road Extended and Gateway Center Drive. The improvements shall provide for exclusive dual northbound left-turn lanes, by re-designating one exclusive northbound through lane as an exclusive left-turn lane with the particular design requirements to be approved by Montgomery County Department of Public Works and Transportation. The third lane on the northbound movement will be designated as a shared through and right-turn lane. Applicant is responsible for all changes required to the traffic signal system as a result of the change in lane configuration at this location. The timing of completing this improvement pertaining to the number of building permits shall be determined at the time of preliminary plan review.
4. The applicant shall place the Cawood Property in reservation for ten years for future acquisition by the governmental authority should it be required for transit related parking. The Cawood Property is located in the northeast quadrant of the Observation Drive/Shawnee Lane intersection. The applicant acquired this property and showed conceptually in the Development Plan how that parcel can accommodate the parking that may be in the future required for the transit station.
5. The applicant shall dedicate all necessary right-of-ways recommended in the master plan for Observation Drive (A-19) and Shawnee Lane (A-301) within the subject site.

K. Environmental Issues

Upon reviewing the subject proposal the Environmental Planning staff has offered the following comments:

Discussion

Environmental Planning Staff has reviewed the rezoning request and believes that the plan generally meets the requirements of the RT zone. However, Staff believes that the following issues stemming from our review of the project plans must be addressed at Preliminary Plan stage:

Water Quality. The applicant has submitted a water quality plan that shows significant encroachment into a sensitive environmental buffer contrary to the Environmental Guidelines (*Guidelines for Environmental Management of Development in Montgomery County, January 2000*). Per the plan, 9.4 acres of the property will be treated offsite within the buffer of a Great Seneca Creek tributary. **The 9.4-acre drainage area covers development that is part of this case (5.4 acres covering the western lane of Observation Drive and the easternmost portion of the property) and future development by others (4.0 acres of the eastern lane of Observation Drive and part of Shawnee Lane). Stormwater from the development of Garnkirk Farms must be treated within the legal limits of the property. In that regard the applicant must modify the Preliminary Water Quality Plan to show onsite treatment of stormwater from the western lane of Observation Drive and housing units at the eastern portion of the property. This may mean the reconfiguration of site layout, and loss of yield.**

As regards stormwater treatment for the eastern lane of Observation Drive and part of Shawnee Lane, some degree of stream buffer disturbance seems to be unavoidable. The proposed location is the most suitable in that it is the lowest point along the roadway, it is already cleared, and will require minimal grading. However, stream buffer encroachment can be minimized if the structures are more linear in shape and extend farther south along Observation Drive. Further, reducing the drainage area as required (from 9.4 acres to 4.0 acres), will significantly reduce the amount of stormwater to be treated offsite and make it easier to minimize environmental buffer impacts.

Forest Conservation. The applicant's concept Forest Conservation Plan shows that the project can meet the basic parameters of Forest Conservation Law, including meeting the Forest Conservation Threshold onsite as required for this method of development. However, the applicant shows stormwater management for this development and future Observation Drive being met offsite on a separate parcel. Although the parcel itself is not being rezoned at this stage it is, nevertheless, part of this rezoning request. The applicant is therefore, accountable for all offsite impacts shown on the concept forest conservation plan. The applicant need not account for this disturbance now since the Planning Board is not required to take action on the forest conservation plan at this (rezoning) stage of the review process. The Planning Board will take action on the forest conservation plan with the preliminary plan of subdivision. The applicant must submit a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the offsite parcel, and a Preliminary FCP that accounts for all offsite disturbance, at Preliminary Plan stage.

Retained Forest. The forest being retained onsite is L-shaped and varies in width from approximately 275 feet at its widest point (along the northwestern boundary), to 100 feet at the narrowest point (along the southwestern boundary). These dimensions fully meet the legal definition of 'forest'. However, the proposed easement contains mainly poor quality transition forest and scattered gaps with dead or dying trees. There is a strong likelihood that non-native invasive plants such as Multiflora rose will rapidly spread through the retained forest when the area outside the proposed easement is cleared. The applicant should be encouraged to plant hardwood species in the retained forest, to enhance the quality of the retained forest and provide more effective screening from adjoining land uses.

Environmental Guidelines: This development shows stormwater management facilities within 35 feet of a small Upper Seneca Creek tributary north of the property, contrary to the M-NCPPC Environmental Guidelines. The applicant must move these facilities away from the stream and reduce both the amount of stormwater treated and the degree of encroachment into the stream valley buffer, to comply with the Environmental Guidelines.

Forest Conservation

This site has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) (#4-03176 issued September 10, 2003 and recertified in November 2005). The applicant has submitted a concept forest conservation plan for review with this rezoning request. Environmental Planning staff has reviewed the plan and finds that it meets the basic parameters of forest conservation law. Issues involving accountability for offsite impacts (associated with stormwater management facilities north of Observation Drive) will be dealt with at Preliminary Plan stage. The plan can be conceptually approved. A Category I Forest Conservation Easement will be required for any forest that is credited for forest save.

Compliance with SPA Regulations

The site is entirely within the Clarksburg Special Protection Area (SPA). Under the SPA law (Section 8 of the Water Quality Inventory of Montgomery County Executive Regulation 29-95 – *Water Quality Review for Development in Designated Special Protection Areas*), development projects within an SPA are subject to approval of a water quality plan. Under the SPA law, Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of the water quality plan. DPS reviews and conditionally

approves the elements of the final water quality plan under its purview (e.g. stormwater management, sediment and erosion control, etc.), while the Planning Board determines whether the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements, have been satisfied.

DPS conceptually approved the portion of the applicant's Preliminary Water Quality Plan under its purview on June 30, 2006. The DPS conceptual approval included steps for monitoring in accordance with BMP monitoring protocols, and conditions that the applicant needed to address in the submission of the Final Water Quality Plan.

Although there are no imperviousness limitations within the Clarksburg SPA east of Interstate 270, the SPA law requires that all opportunities to reduce impervious surfaces be evaluated. **In that regard staff has advised the applicant to consider every opportunity including stacking housing units, to increase green space and reduce impervious surfaces. Staff also supports DPS's recommendation that the applicant investigate the feasibility of a porous paver system for driveways to provide for added recharge and quality redundancy. Staff recommends that the Planning Board approve the Preliminary Water Quality Plan with the conditions stipulated. The Final Water Quality Plan must be submitted for review prior to submission of the Site Plan.**

Watershed Protection/Water Quality

The property is located in the Upper Little Seneca South subwatershed of the Little Seneca Creek watershed. That section of Little Seneca Creek is designated as a Use IV-P waterway indicating its suitability for an adult trout "put-and-take" population. The *Countywide Stream Protection Strategy* (CSPS, 1998) rates subwatershed stream and habitat conditions, as ranging from 'good' to 'excellent'.

Water and Sewer

The property is located in Water Service Category W-1 and Sewer Service Category S-3. Public water and sewer must be extended to serve the property. The Clarksburg Master Plan recommends that both public water and sewer should be extended to serve the property.

Recommendation For Preliminary Water Quality Plan

The Environmental Planning Staff has recommended approval of the proposed PRELIMINARY Water Quality Plan with the following conditions:

- ◆ Applicant to submit a revised Preliminary Water Quality Plan at Preliminary Plan stage, that:
 - a) Shows stormwater treatment for the western lane of Observation Drive and all legal development on Garnkirk Farms property, within the legal limits of the property.
 - b) Minimizes encroachment into stream valley buffer for treatment of stormwater from future Observation Drive construction.

L. Community Concerns

The applicant has met with the Clarksburg Civic Association a number of times to discuss the revised plan and the design elements contained in the plan. It is staff's understanding that there is a general agreement that the plan addresses the concerns and issues brought out at the March 23, 2006 Planning Board Hearing. No comments were received from the community at the time of this writing. The Planning staff notes the joint efforts of the representatives of the Community and the applicant's development team in working together to achieve a development with a balanced and coherent visual and functional effect.

Conclusion

As noted, a number of master plan, transportation, environmental and other related issues were identified by the planning staff to be addressed at the later stages of the review process, i.e. Preliminary Plan Review and Site Plan Review. Therefore, the design, layout, and density currently shown on the proposed Development Plan are subject to changes based on the outcome of subsequent reviews. However, staff recognizes the fact that the proposed Development Plan represents a significant improvement over the plan presented at the March 23, 2006 Planning Board hearing, in terms of functionality and aesthetics. A measurable effort was devoted on the part of the developer in addressing the various issues raised at the last hearing and incorporating new concepts and design elements suggested by staff and the representatives of the community to create an attractive, walkable, human-scale village.

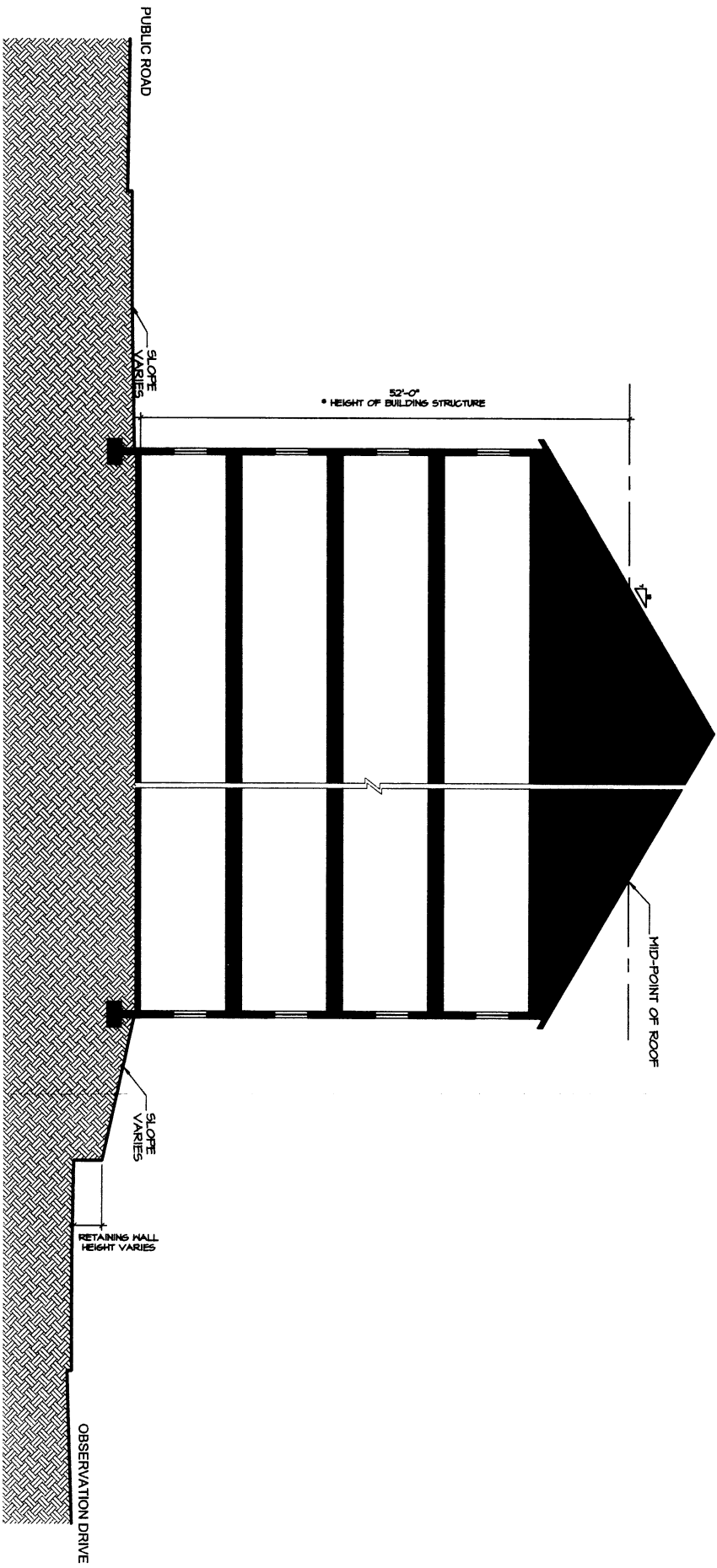
Relative to the requested reclassification to the PD-11 Zone, staff finds that the proposed Local Map Amendment with the associated Development Plan will be consistent with the purpose clause and all applicable standards for the PD-11 Zone, and will be in accord with the land use recommendations of *the 1994 Clarksburg Master Plan and Hyattstown Special Study Area*. Therefore, staff recommends **approval** of the PD-11 Zone and the proposed Development Plan. Furthermore, staff recommends **approval** of the proposed Preliminary Water Quality Plan with the conditions found at the beginning of this report.

ATTACHMENT I

- **Plans And Drawings Reviewed**

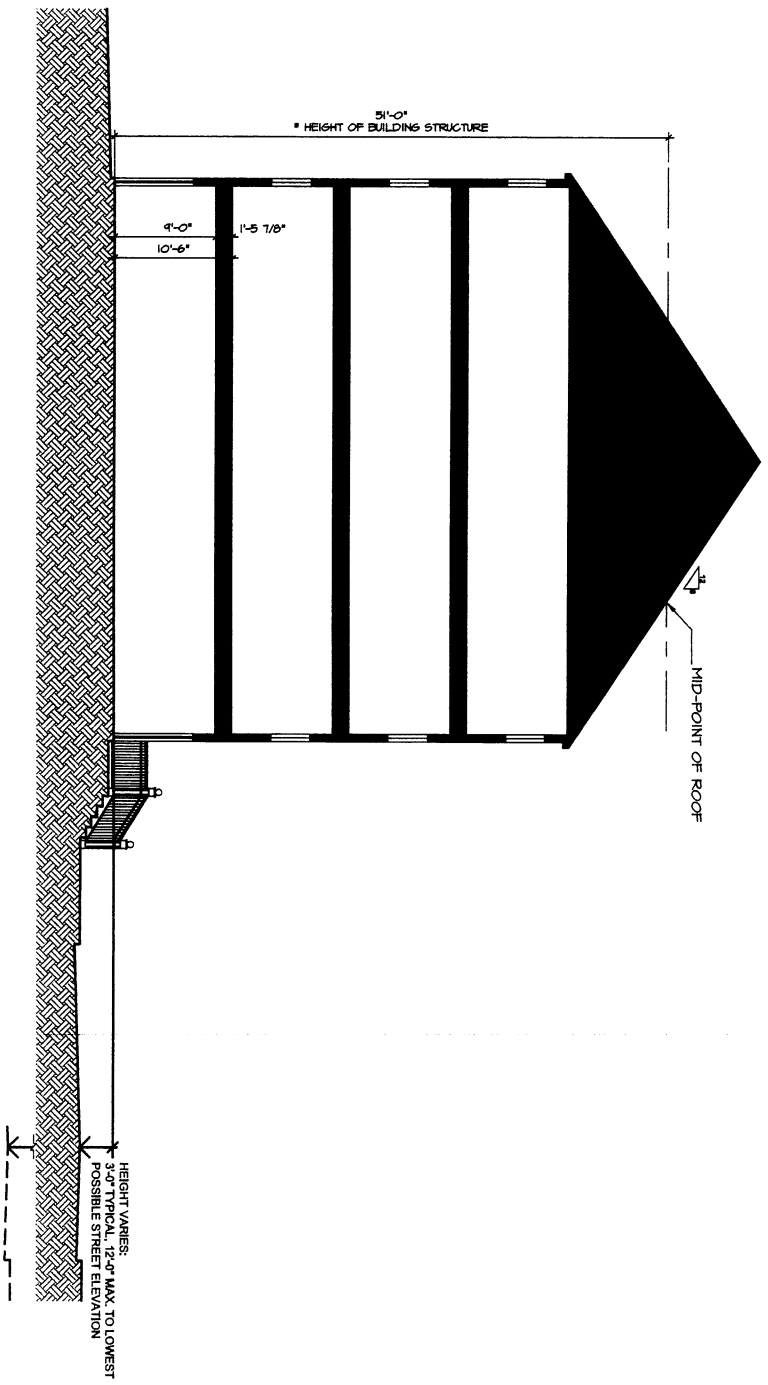
**G-832 Garnkirk Farms
Plans And Drawings Reviewed**

Plans and Drawings	Date Revised	Date Received - DRD
Development Plan	7/07/06 (Sheet 1) 7/03/06 (sheet 2)	7/10/06
Conceptual Landscape and Lighting Plan	1/10/06	7/10/06
Preliminary Water Quality Plan	6/16/06	7/12/06
Building Sections		7/10/06



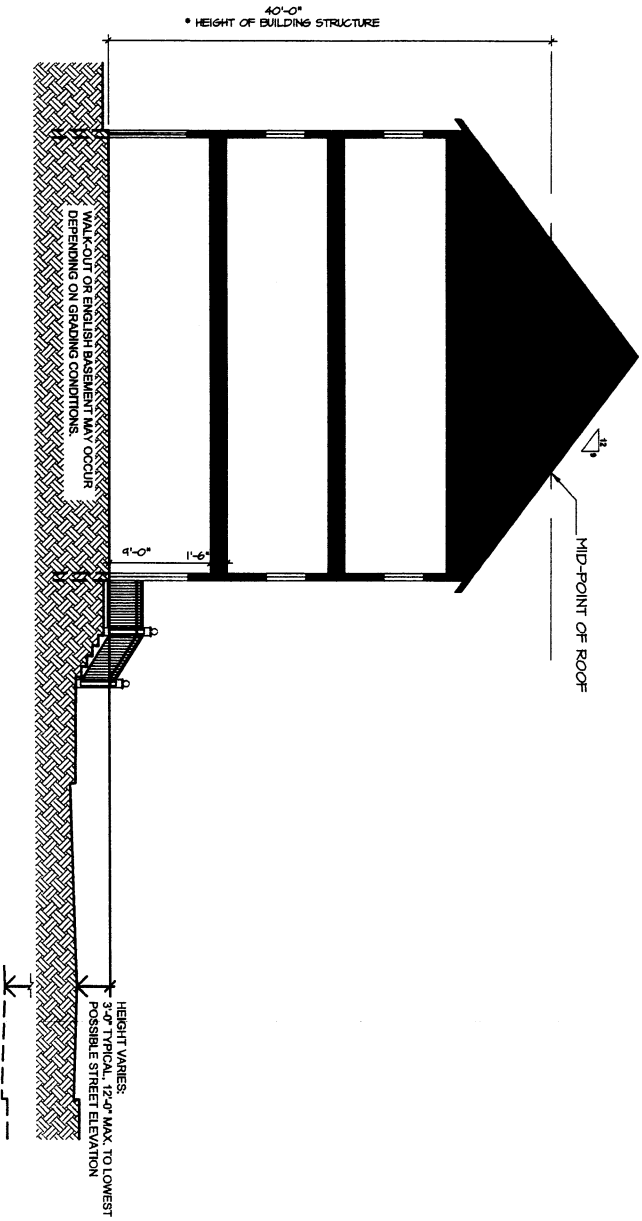
*** HEIGHT OF BUILDING STRUCTURE
MULTI-FAMILY APARTMENT**

* THIS EXHIBIT DEPICTS THE HEIGHT OF THE BUILDING FROM THE FLOOR OF THE FIRST ABOVE GRADE LEVEL TO THE MID-POINT OF THE ROOF.
THIS EXHIBIT DOES NOT MEASURE HEIGHT AS CALCULATED IN THE ZONING ORDINANCE.



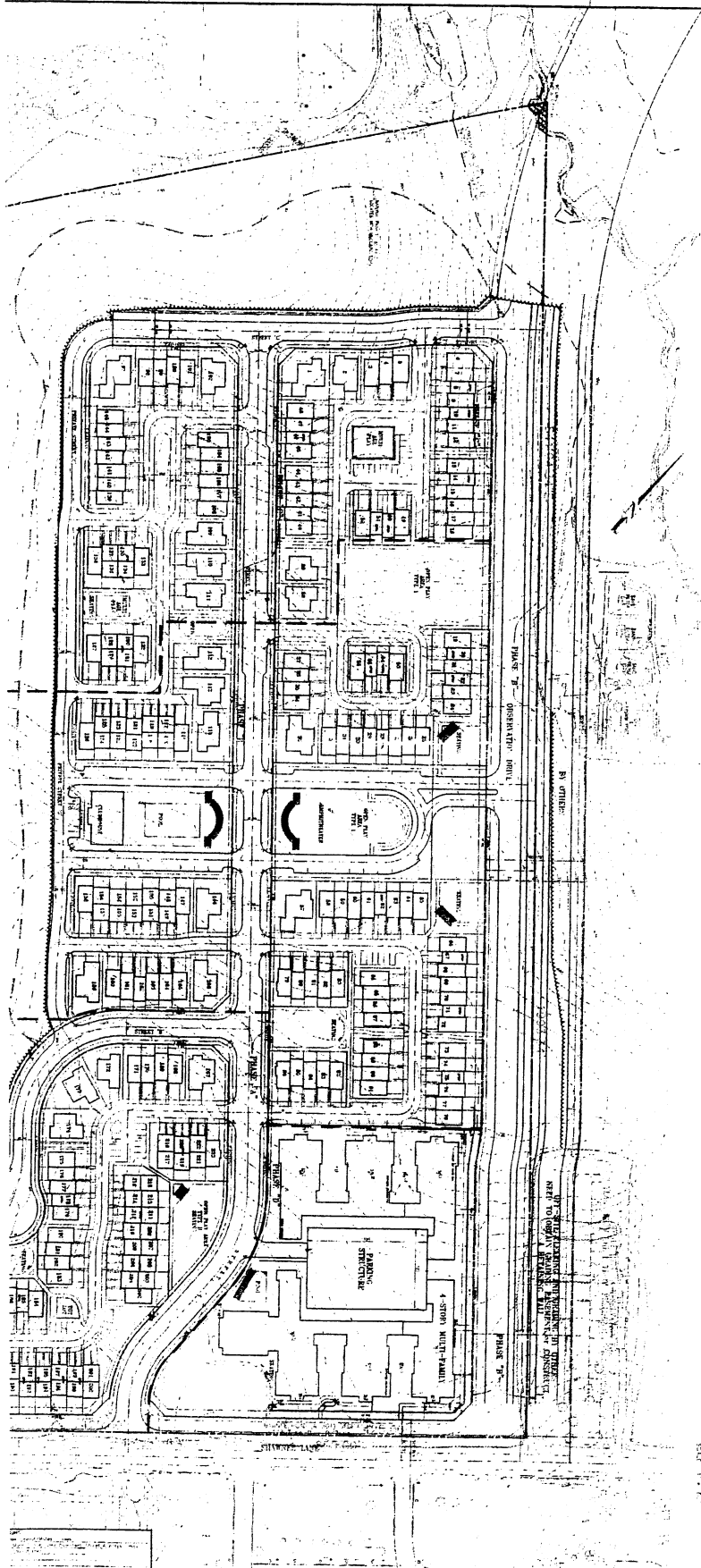
*** HEIGHT OF BUILDING STRUCTURE
SINGLE FAMILY ATTACHED HOUSES (TWO OVER TWO)**

* THIS EXHIBIT DEPICTS THE HEIGHT OF THE BUILDING FROM THE FLOOR OF THE FIRST ABOVE GRADE LEVEL TO THE MID-POINT OF THE ROOF.
THIS EXHIBIT DOES NOT MEASURE HEIGHT AS CALCULATED IN THE ZONING ORDINANCE.



*** HEIGHT OF BUILDING STRUCTURE
TOWN HOUSES**

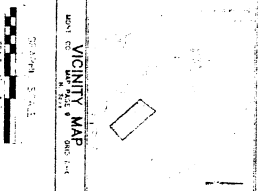
* THIS EXHIBIT DEPICTS THE HEIGHT OF THE BUILDING FROM THE FLOOR OF THE FIRST ABOVE GRADE LEVEL TO THE MID-POINT OF THE ROOF.
THIS EXHIBIT DOES NOT MEASURE HEIGHT AS CALCULATED IN THE ZONING ORDINANCE.



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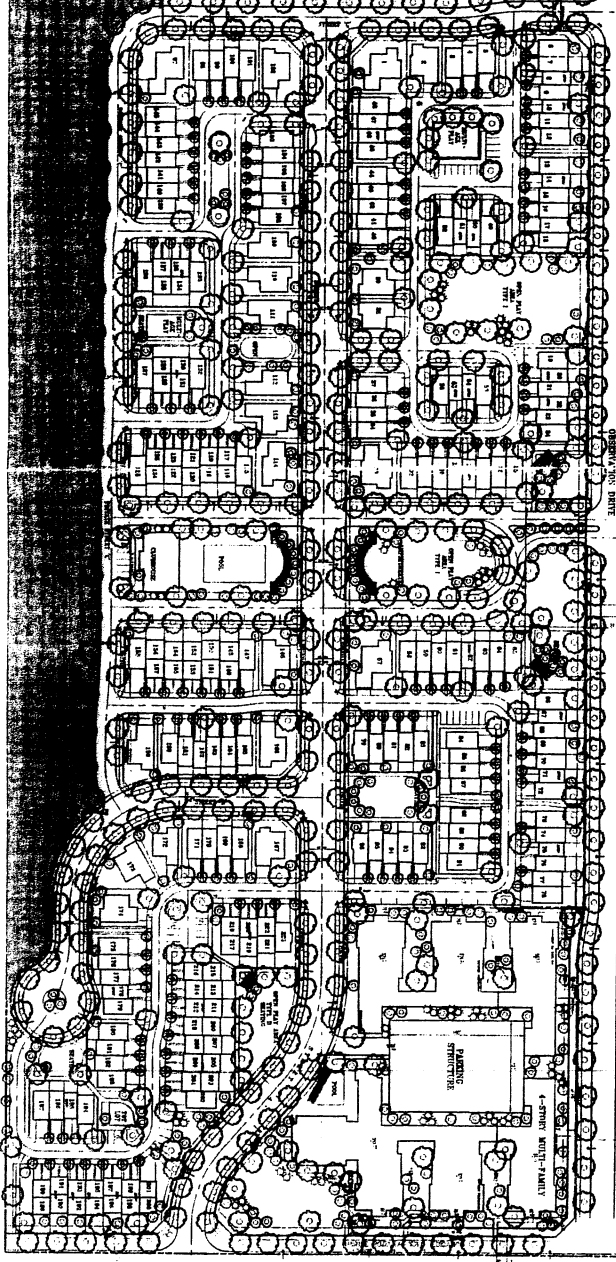


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 1435 WASHINGTON STREET, SUITE 100, ROCKVILLE, MD 20850

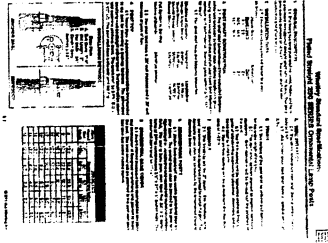
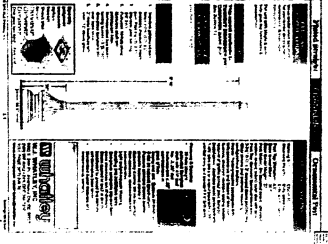
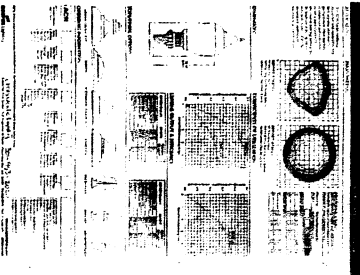
DEVELOPMENT PLAN
GARNKIRK FARMS
 CLARKSBURG (2nd) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

CPI Charles P. Johnson & Associates, Inc.
 10000 WOODBURN ROAD, SUITE 100, CLARKSBURG, MD 20841

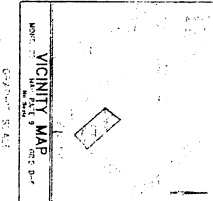
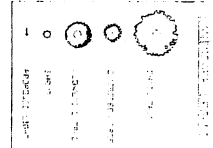
CONCEPTUAL LANDSCAPING
FOR LANDSCAPE USE ONLY



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NO.	DESCRIPTION	DATE
1	CONCEPTUAL LANDSCAPE AND LIGHTING PLAN	7/10/06

CONCEPTUAL LANDSCAPE AND LIGHTING PLAN
GARNKIRK FARMS

SWM Facility Summary

Channel Number	Water Quality Control Structure	Total Storage (MG)	Inflow (MGD)	WQ Volume (d)		Water Quality Type
				Required	Available	
A		1.16	1.29	1.48	1.78	Water Quality
B		1.79	1.94	2.23	2.62	Water Quality
C		1.10	1.20	1.39	1.69	Water Quality
D		1.75	1.86	2.15	2.55	Water Quality
TOTAL						
1.16 MG						

Redundant Capacity Summary

Channel Number	Water Quality Control Structure	Total Storage (MG)	Inflow (MGD)	WQ Volume (d)		Water Quality Type
				Required	Available	
D		1.16	1.29	1.48	1.78	Water Quality
TOTAL						
1.16 MG						

SWM Facility Summary

Channel Number	Water Quality Control Structure	Total Storage (MG)	Inflow (MGD)	WQ Volume (d)		Water Quality Type
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TOTAL						
1.16 MG						

Redundant Capacity Summary

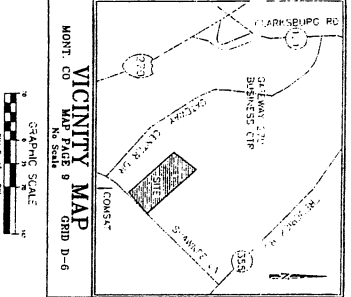
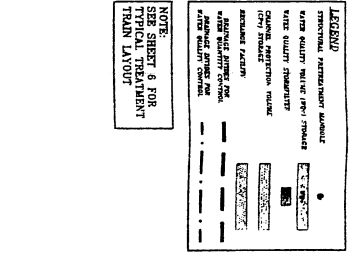
Channel Number	Water Quality Control Structure	Total Storage (MG)	Inflow (MGD)	WQ Volume (d)		Water Quality Type
				Required	Available	
D		1.16	1.29	1.48	1.78	Water Quality
TOTAL						
1.16 MG						

NOTE:
ALL WATER QUALITY FACILITIES WILL BE PROVIDED WITH A FLOW DIVERSION MANHOLE AND A PRETREATMENT STRUCTURE IMMEDIATELY UPSTREAM OF FACILITY.

NOTE:
ALL SWM QUANTITY FACILITIES ARE DESIGNED TO STORE THE CHANGED PROTECTION VOLUME (CPV) FOR THEIR DRAINAGE AREA, AS COMPUTED IN THE 2000 MARYLAND STORMWATER DESIGN MANUAL.

WATER QUALITY STRUCTURES ARE DESIGNED TO STORE AND TREAT 125% OF THE WATER QUALITY VOLUME (WQV) AS COMPUTED IN THE 2000 MARYLAND STORMWATER DESIGN MANUAL. THIS ADDITIONAL CAPACITY IS ADDED TO BOTH THE STORAGE UNIT (CAP PIPE) AND THE FILTRATION UNIT (UNDERGROUND SAND FILTER).

NOTE:
AT THE FINAL WATER QUALITY PLAN STAGE, THE USE OF A ROBUST PAVEMENT SYSTEM ON DRIVEWAYS WILL BE EVALUATED AS A MEANS TO PROVIDE ADDITIONAL WATER QUALITY REDUNDANCY IN THIS SITE'S SWM SYSTEM.

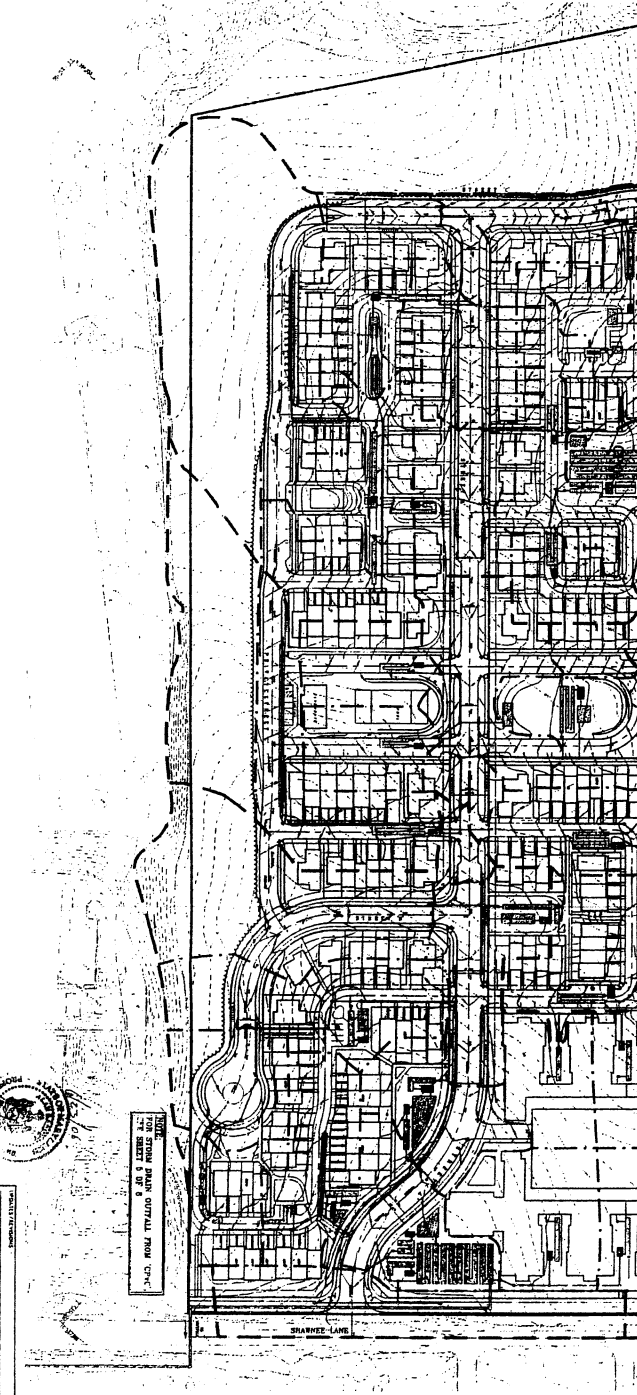


PRELIMINARY WATER QUALITY PLAN OVERALL PLAN VIEW: GARNKIRK FARMS CLARKSBURG (2ND) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND.

CPI Charles P. Johnson & Associates, Inc.
ENGINEERS
10000 FARMERS ROAD
CLARKSBURG, MD 21714
(301) 441-0000
www.cpi-engineers.com

Redundant Capacity Summary

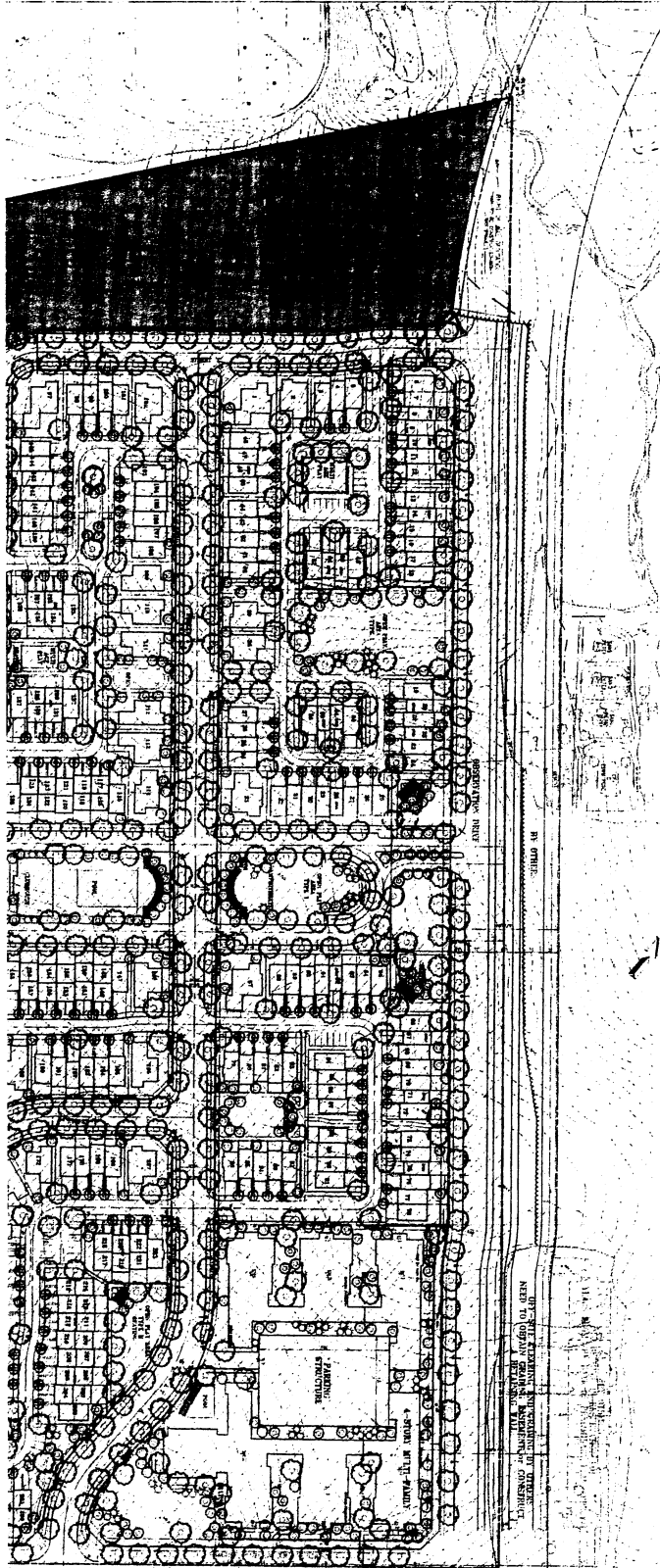
Channel Number	Water Quality Control Structure	Total Storage (MG)	Inflow (MGD)	WQ Volume (d)		Water Quality Type
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TOTAL						
1.16 MG						



1 **6**

NOTES:

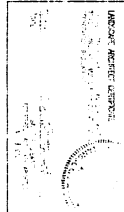
- SEE THE 2000 MARYLAND STORMWATER DESIGN MANUAL FOR DETAILED DESIGN REQUIREMENTS.
- THIS PLAN IS FOR INFORMATIONAL PURPOSES ONLY. NO CONSTRUCTION SHALL BE PERMITTED WITHOUT THE NECESSARY PERMITS.
- THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT.
- ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2000 MARYLAND STORMWATER DESIGN MANUAL.
- THIS PLAN IS SUBJECT TO APPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS.



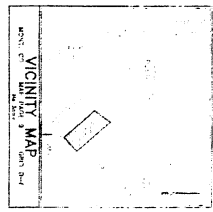
LEGEND

1. LOT	2. DRIVE	3. SIDEWALK	4. DRIVE	5. DRIVE	6. DRIVE	7. DRIVE	8. DRIVE	9. DRIVE	10. DRIVE	11. DRIVE	12. DRIVE	13. DRIVE	14. DRIVE	15. DRIVE	16. DRIVE	17. DRIVE	18. DRIVE	19. DRIVE	20. DRIVE	21. DRIVE	22. DRIVE	23. DRIVE	24. DRIVE	25. DRIVE	26. DRIVE	27. DRIVE	28. DRIVE	29. DRIVE	30. DRIVE	31. DRIVE	32. DRIVE	33. DRIVE	34. DRIVE	35. DRIVE	36. DRIVE	37. DRIVE	38. DRIVE	39. DRIVE	40. DRIVE	41. DRIVE	42. DRIVE	43. DRIVE	44. DRIVE	45. DRIVE	46. DRIVE	47. DRIVE	48. DRIVE	49. DRIVE	50. DRIVE	51. DRIVE	52. DRIVE	53. DRIVE	54. DRIVE	55. DRIVE	56. DRIVE	57. DRIVE	58. DRIVE	59. DRIVE	60. DRIVE	61. DRIVE	62. DRIVE	63. DRIVE	64. DRIVE	65. DRIVE	66. DRIVE	67. DRIVE	68. DRIVE	69. DRIVE	70. DRIVE	71. DRIVE	72. DRIVE	73. DRIVE	74. DRIVE	75. DRIVE	76. DRIVE	77. DRIVE	78. DRIVE	79. DRIVE	80. DRIVE	81. DRIVE	82. DRIVE	83. DRIVE	84. DRIVE	85. DRIVE	86. DRIVE	87. DRIVE	88. DRIVE	89. DRIVE	90. DRIVE	91. DRIVE	92. DRIVE	93. DRIVE	94. DRIVE	95. DRIVE	96. DRIVE	97. DRIVE	98. DRIVE	99. DRIVE	100. DRIVE
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C.P.J. JOHNSON



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ATTACHMENT II

- **AERIAL**
- **ZONING MAP**

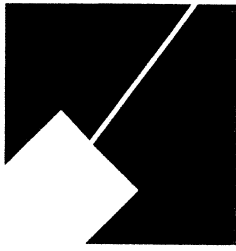
G-832 GARNKIRK FARMS



ATTACHMENTS III

- Referral Comments

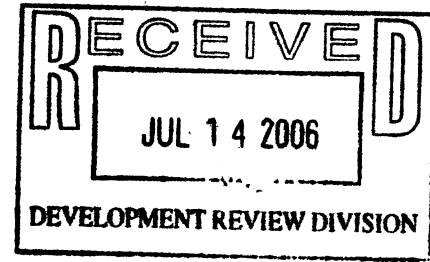
M-NCPPC



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



MEMORANDUM

TO: Elsabett Tesfaye, Community Based Planning

VIA: Mary Dolan, Environmental Planning *MD*

FROM: Michael Zamore, Environmental Planning *MZ*

DATE: ~~February 12~~ *July 14*, 2006

SUBJECT: 1. Preliminary Water Quality Plan for Garnkirk Farms Subdivision

2. Zoning Application No. G-832: Garnkirk Farms Subdivision

1. Preliminary Water Quality Plan Recommendation

Environmental Planning staff recommends **approval** of this application with the following condition:

- Applicant to submit a revised Preliminary Water Quality Plan at Preliminary Plan stage, that:
 - a) Shows stormwater treatment for the western lane of Observation Drive and all legal development on Garnkirk Farms property, within the legal limits of the property.
 - b) Minimizes encroachment into stream valley buffer for treatment of stormwater from future Observation Drive construction.

2. Zoning Application Recommendation

Environmental Planning staff recommends **approval** of this application.

Discussion

Environmental Planning Staff has reviewed the rezoning request and believes that the plan generally meets the requirements of the PD zone. However, Staff believes that the following issues stemming from our review of the project plans must be addressed at Preliminary Plan stage:

Water Quality. The applicant has submitted a water quality plan that shows significant encroachment into a sensitive environmental buffer contrary to the Environmental Guidelines (*Guidelines for Environmental Management of Development in Montgomery County, January 2000*). Per the plan, 9.4 acres of the property will be treated offsite within the buffer of a Great Seneca Creek tributary. The 9.4-acre drainage area covers development that is part of this case

(5.4 acres covering the western lane of Observation Drive and the easternmost portion of the property) and future development by others (4.0 acres of the eastern lane of Observation Drive and part of Shawnee Lane). Stormwater from the development of Garnkirk Farms must be treated within the legal limits of the property. In that regard the applicant must modify the Preliminary Water Quality Plan to show onsite treatment of stormwater from the western lane of Observation Drive and housing units at the eastern portion of the property. This may mean the reconfiguration of site layout, and loss of yield.

As regards stormwater treatment for the eastern lane of Observation Drive and part of Shawnee Lane, some degree of stream buffer disturbance seems to be unavoidable. The proposed location is the most suitable in that it is the lowest point along the roadway, it is already cleared, and will require minimal grading. However, stream buffer encroachment can be minimized if the structures are more linear in shape and extend farther south along Observation Drive. Further, reducing the drainage area as required (from 9.4 acres to 4.0 acres), will significantly reduce the amount of stormwater to be treated offsite and make it easier to minimize environmental buffer impacts.

Forest Conservation. The applicant's concept Forest Conservation Plan shows that the project can meet the basic parameters of Forest Conservation Law, including meeting the Forest Conservation Threshold onsite as required for this method of development. However, the applicant shows stormwater management for this development and future Observation Drive being met offsite on a separate parcel. Although the parcel itself is not being rezoned at this stage it is nevertheless, part of this rezoning request. The applicant is therefore, accountable for all offsite impacts shown on the concept forest conservation plan. The applicant need not account for this disturbance now since the Planning Board is not required to take action on the forest conservation plan at this (rezoning) stage of the review process. The Planning Board will take action on the forest conservation plan with the preliminary plan of subdivision. The applicant must submit a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the offsite parcel, and a Preliminary FCP that accounts for all offsite disturbance, at Preliminary Plan stage.

Retained Forest. The forest being retained onsite is L-shaped and varies in width from approximately 275 feet at its widest point (along the northwestern boundary), to 100 feet at the narrowest point (along the southwestern boundary). These dimensions fully meet the legal definition of 'forest'. However, the proposed easement contains mainly poor quality transition forest and scattered gaps with dead or dying trees. There is a strong likelihood that non-native invasive plants such as Multiflora rose will rapidly spread through the retained forest when the area outside the proposed easement is cleared. The applicant should be encouraged to plant hardwood species in the retained forest, to enhance the quality of the retained forest and provide more effective screening from adjoining land uses.

Environmental Guidelines. This development shows stormwater management facilities within 35 feet of a small Upper Seneca Creek tributary north of the property, contrary to the M-NCPPC Environmental Guidelines. The applicant must move these facilities away from the stream and reduce both the amount of stormwater treated and the degree of encroachment into the stream valley buffer, to comply with the Environmental Guidelines.

Forest Conservation

This site has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) (#4-03176 issued September 10, 2003 and recertified in November 2005). The applicant has submitted a concept forest conservation plan for review with this rezoning request.

Environmental Planning staff has reviewed the plan and finds that it meets the basic parameters of forest conservation law. Issues involving accountability for offsite impacts (associated with stormwater management facilities north of Observation Drive) will be dealt with at Preliminary Plan stage. The plan can be conceptually approved. A Category I Forest Conservation Easement will be required for any forest that is credited for forest save.

Compliance with SPA Regulations

The site is entirely within the Clarksburg Special Protection Area (SPA). Under the SPA law (Section 8 of the Water Quality Inventory of Montgomery County Executive Regulation 29-95 – *Water Quality Review for Development in Designated Special Protection Areas*), development projects within an SPA are subject to approval of a water quality plan. Under the SPA law, Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of the water quality plan. DPS reviews and conditionally approves the elements of the final water quality plan under its purview (e.g. stormwater management, sediment and erosion control, etc.), while the Planning Board determines whether the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements, have been satisfied.

DPS conceptually approved the portion of the applicant's Preliminary Water Quality Plan under its purview on June 30, 2006. The DPS conceptual approval included steps for monitoring in accordance with BMP monitoring protocols, and conditions that the applicant needed to address in the submission of the Final Water Quality Plan.

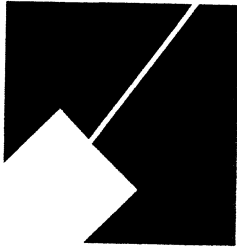
Although there are no imperviousness limitations within the Clarksburg SPA east of Interstate 270, the SPA law requires that all opportunities to reduce impervious surfaces be evaluated. In that regard staff has advised the applicant to consider every opportunity including stacking housing units, to increase green space and reduce impervious surfaces. Staff also supports DPS's recommendation that the applicant investigate the feasibility of a porous paver system for driveways to provide for added recharge and quality redundancy. Staff recommends that the Planning Board approve the Preliminary Water Quality Plan with the conditions stipulated. The Final Water Quality Plan must be submitted for review prior to submission of the Site Plan.

Watershed Protection/Water Quality

The property is located in the Upper Little Seneca South subwatershed of the Little Seneca Creek watershed. That section of Little Seneca Creek is designated as a Use IV-P waterway indicating its suitability for an adult trout "put-and-take" population. The *Countywide Stream Protection Strategy* (CSPS, 1998) rates subwatershed stream and habitat conditions, as ranging from 'good' to 'excellent'.

Water and Sewer

The property is located in Water Service Category W-1 and Sewer Service Category S-3. Public water and sewer must be extended to serve the property. The Clarksburg Master Plan recommends that both public water and sewer should be extended to serve the property.



July 7, 2006

MEMORANDUM

TO: Elsabett Tesfaye, Senior Planner
Development Review Division

VIA: Sue Edwards, I-270 Corridor Team Leader *Sue*
Community-Based Planning Division

FROM: Nellie Shields Maskal, Senior Planner *NH*
Community-Based Planning Division
Karen Kumm Morris, Urban Designer
Community-Based Planning Division

SUBJECT: Revised Zoning Map Amendment No. G-832 (Garnkirk Farms Property);
Reclassification from R-200 Zone to PD-11 Zone; Located northeast of
Gateway Center Drive on the north side of Shawnee Lane in Clarksburg.

Staff comments are based upon the revised Local Map Amendment G-832 dated June 28, 2006. The revised Development Plan is submitted in response to Planning Board concerns expressed during the public hearing held on March 23, 2006.

The revised Development Plan lowers the proposed density from 459 to 408 units, rearranges unit types to better integrate single-family detached units throughout the development, reduces the number of 2 over 2 units, and proposes binding elements for building heights and setbacks.

INTRODUCTION

The subject 37.1-acre property is located northeast of Gateway Center Drive on the north side of Shawnee Lane. It is undeveloped and located adjacent to Gateway 270 Office Park. The LCOR (former COMSAT) property is located nearby. See Figure 1. Both Gateway 270 and LCOR properties are Clarksburg's two major employment areas. Also located in the neighborhood are the Montgomery County Public Schools Bus Depot, Moyer and Sons Moving Company, Clarksbrook Estates Subdivision, a church, and several scattered homes. In February 2005, a rezoning application (G-824) filed by Miller and Smith was granted for the PD-11 Zone by the County Council for the 23.8-acre property located on the south side of Shawnee Lane known as Eastside.

This application is a request by Ralph J. Duffie, Inc. (property owner) to reclassify the subject property from the existing R-200 Zone to the PD-11 Zone to allow the property to develop with a mix of 408 townhouse, apartment, and single-family attached units.

RELATIONSHIP TO CLARKSBURG MASTER PLAN

Land Use Plan

The subject property is located within the Transit Corridor District of the 1994 Clarksburg Master Plan Area. The Transit Corridor District includes properties fronting MD 355 which 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 in this District is to maintain and continue this residential character while addressing the need for increased traffic capacity along MD 355.

The Transit Corridor District 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 high enough to be supportive of transit.

The Master Plan recommends a mixed-use neighborhood at the north most transit stop. It states that 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 southern transit stop will be employment-oriented and serve the LCOR property, a major office park only partially developed. A mix of residential uses at this stop will occur if vacant land on the LCOR (COMSAT) property is developed for residential uses other than office or research. The Land Use Plan for the Transit Corridor is shown in Figure 1.

The Master Plan objectives listed on pages 54 to 58 of the Plan are as follows:

- Continue the present residential character along MD 355.
- Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain a residential character along MD 355.
- Continue the present employment uses along I-270.
- Provide housing at designated areas along the transitway near significant employment uses.
- Allow small amounts of office and retail uses at transit stop areas as part of a mixed-use development pattern.
- Establish strong pedestrian and bicycle linkages to the greenway.
- Improve east-west roadway connections.
- Provide an open space system, which includes small civic spaces at the transit stops.

The Master Plan recommended housing mix for the Transitway Area of the Transit Corridor District be as follows:

Multi-Family 30-50 percent	Attached 40-60 percent	Detached 5-10 percent
-------------------------------	---------------------------	--------------------------

MASTER PLAN LAND USE OBJECTIVES

The proposed project is consistent with the Clarksburg Master Plan as follows:

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

The proposed development provides 408 housing units, 11 units per acre, as recommended in the Master Plan. This level of residential density is appropriate given that it is within walking distance to a future transit station and to existing and future employment uses. Residential uses are the most appropriate uses for this site because of the location of the transit station.

The Master Plan designates land adjoining the transit stops as residential and will result in approximately 1,000 units in close proximity to employment. There are a number of different residential parcels that comprise the Transit District and will give the opportunity to achieve a wide range of unit types.

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 Master 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:

- MD 355 should be reclassified from a major thoroughfare to an arterial street.
- An alternative north-south thoroughfare (Observation Drive) is recommended to help accommodate anticipated traffic.

The Master Plan recommends the construction of Observation Drive Extended (A-19) as a four-lane divided arterial with a 150-foot right-of-way. As stated on page 122 of the Master Plan, "this roadway is an extremely important element of the Master Plan for several reasons:

- It will one day connect with Observation Drive in Germantown, thereby offering an alternative route to MD 355.

- It is proposed to be wide enough to accommodate a separate bus lane or light rail.
- It will help provide additional access to the Study Area's major employment areas.

The Master Plan indicates that the alignment of Observation Drive in the vicinity of Shawnee Lane is along the eastern edge of the Garnkirk Farm property as shown in Figure 1. This portion of Observation Drive also incorporates the Corridor Cities Transitway within a shared 150-foot wide right-of-way and a transit station at the Garnkirk Farms property.

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

An interconnected street system is essential in achieving a walkable and transit serviceable community. The Development Plan provides an interconnected street network with connections to adjacent Eastside development along Shawnee Road and two entrances along Observation Drive. In addition to the vehicular connections, a pedestrian sidewalk network also provides connectivity and encourages transit ridership.

Diversity of Housing Types

The Master Plan endorses a mix of unit types at the neighborhood level. Throughout the Transit Corridor District a range of unit types must be achieved with 30-50 percent multi-family, 40-60 percent attached, and 5-10 percent single-family detached units.

The Development Plan provides a range in housing types as follows:

- 5 percent Single-Family Detached (21 units)
- 50 percent Single-Family Attached (203 units)
- 45 percent Multi-family (184 units)

The proposed binding elements clearly indicate that all 2 over 2 units will be developed with ground level outdoor space for the exclusive use of the occupants of each unit and that each unit will have its own outdoor entrance ensuring that they can be properly classified as single-family attached units. This responds to the Planning Board's concern that the 2 over 2 units are developed as single-family attached units and therefore conform to the Master Plan's mix of unit types.

The Planning Board also recommended during the review of the Eastside rezoning application that it would be important to ensure that adjacent properties within the Transit Corridor District achieve a more extensive range of unit types.

Neighborhood Recreation Areas and Civic Open Space

The Master Plan calls for recreation opportunities for residents within individual neighborhoods, in addition to County operated parks (see page 162 of the Master Plan).

These areas are to accommodate private recreation needs for tot lots and picnic areas, and provide usable open areas for gathering and social interaction.

The Development Plan provides for a number of large and small recreation areas for the enjoyment of the community and will meet the recreation guidelines. The arrangement of large open spaces at the center of the site and along Observation Drive will create a central focus and gathering point in the heart of the community. Smaller recreation areas such as tot lots are dispersed throughout the project.

Building Heights and Setbacks

The Planned Development (PD) Zone provides flexibility in establishing building heights and setbacks, and allows heights and setbacks to be established by the Development Plan. This flexible zoning approach is desirable in that it permits a more customized response to a specific site.

The Development Plan proposes building structure heights as measured from the first floor slab to the mid point of the roof not to exceed the following heights:

Single-Family Detached	29 feet	2 stories (potentially 3 from the rear)
Single-Family Attached THs	40 feet	3 stories (potentially 4 from the rear)
Single-Family Attached 2 over 2	51 feet	4 stories
Multi-family	52 feet	4 stories
Club House	24 feet	1 or 2 stories

The proposed stories are appropriate and will be compatible with adjacent development. Three story townhouses are located along Observation Drive with four-story multi-family units located directly adjacent to the transit station. Three and four-story units are located along Shawnee Drive opposite similar building heights on Eastside, the property to the south.

The precision of the proposed building height is somewhat problematic in that specific architecture is usually not known at the time of zoning. It is important to set building heights sufficient to allow the number of desired stories and achieve architecturally interesting and varied roof lines. Such precision at this point restricts design flexibility later on. Staff would prefer if the building heights at least were set at rounded off numbers rather than try to be so precise at zoning.

The Development Plan proposes building setbacks that are desirable and appropriate for the height of the buildings and adjacent street widths. Along Observation Drive and Shawnee Lane, the plan provides for 25-foot building setbacks to ensure compatibility with these major roadways. Internally, the plan establishes a 10-foot setback from the right-of-way that provides space for plantings between the unit and the public sidewalk. More space is provided for the 2 over 2 units to accommodate the ground level outdoor space requirement.

Parking

The Development Plan provides for all required parking predominately within garages with additional required spaces within driveways. This is desirable in that street parking is then available for guest parking. This is an improvement over the previous plan that relied upon street parking for some.

Binding Elements

The Development Plan provides a list of binding elements that are responsive to the Planning Board's concerns expressed during the March 23, 2006 public hearing. These concerns focused upon the need to ensure that the proposed development met the purpose clause of the PD Zone and the spirit of the Clarksburg Master Plan.

The binding elements address scale, pedestrian circulation, building street orientation, parking, and open space relationships. The binding elements will result in a walkable and functional neighborhood, attractively landscaped and proportionally arranged with a sense of center developed as a community-gathering place.

Binding Element 10, however, does not conform to DPWT policy that requires driveways to accommodate the full length of a vehicle and not impede on an adjacent sidewalk. The Development Plan language states that "where possible" vehicles should be able to accommodate a full length thus implying that it may not always be possible. Staff recommends that Element 10 should be eliminated or the flexible wording "where possible" be eliminated.

Concerns to be Addressed at Site Plan

1. Architecture

The multi-family structure at the corner of Observation Drive and Shawnee Lane needs to be developed with an architectural façade and corner treatment that acknowledges its corner location. This is an opportunity to create an interesting building corner given its visually prominent location.

2. Open Space and Recreation

The plan needs to recreationally develop the proposed open space near the multi-family units to provide convenient recreation closer to the more intensely developed area of the community. The Stormwater Management area would be an appropriate location for additional recreation if permitting agencies approve.

3. Compatibility of Rear Alleys and Adjacent Street and Units

Internal compatibility of rear alleys and garages needs to be improved by the use of walls screening the alleys and planted with landscaping. This is especially important at the entrance streets to the community where rear garages and alleys are in view.

4. Underground Stormwater Management Areas

Given the intensity of the development, these areas must be useable for passive recreation and developed with amenities such as landscaping, walkways and seating. The stormwater management areas are highly visible and directly adjacent to units and major entrances to the community. If acceptable to permitting agencies, develop such areas with recreational equipment, thus eliminating all proposed play areas in rear parking areas.

5. Landscape and Lighting

The site plan shall include a landscape and lighting plan that achieves a high level of landscaping and amenity given the close proximity of units and the need to soften the view.

Front garden terraces of the single-family attached 2 over 2 units should be landscaped and defined as private outdoor space. Open spaces and stormwater management areas should be landscaped with shade trees defining areas and creating attractive seating areas for enjoyment. Units should be landscaped with foundation plantings including sidewalls and end units so that building walls are enhanced by green landscaping. Residential alleys with parking areas should provide adequate space for shade trees to improve the visual character of these alleys.

Streetscape along all perimeter roadways will be required in accordance with the Clarksburg Streetscape Plan. Furnishing the public rights-of-way will include seating, trash receptacles and street lighting. Internal streets should also receive street trees, benches and pedestrian scaled lighting along both sides of the streets.

CONCLUSION

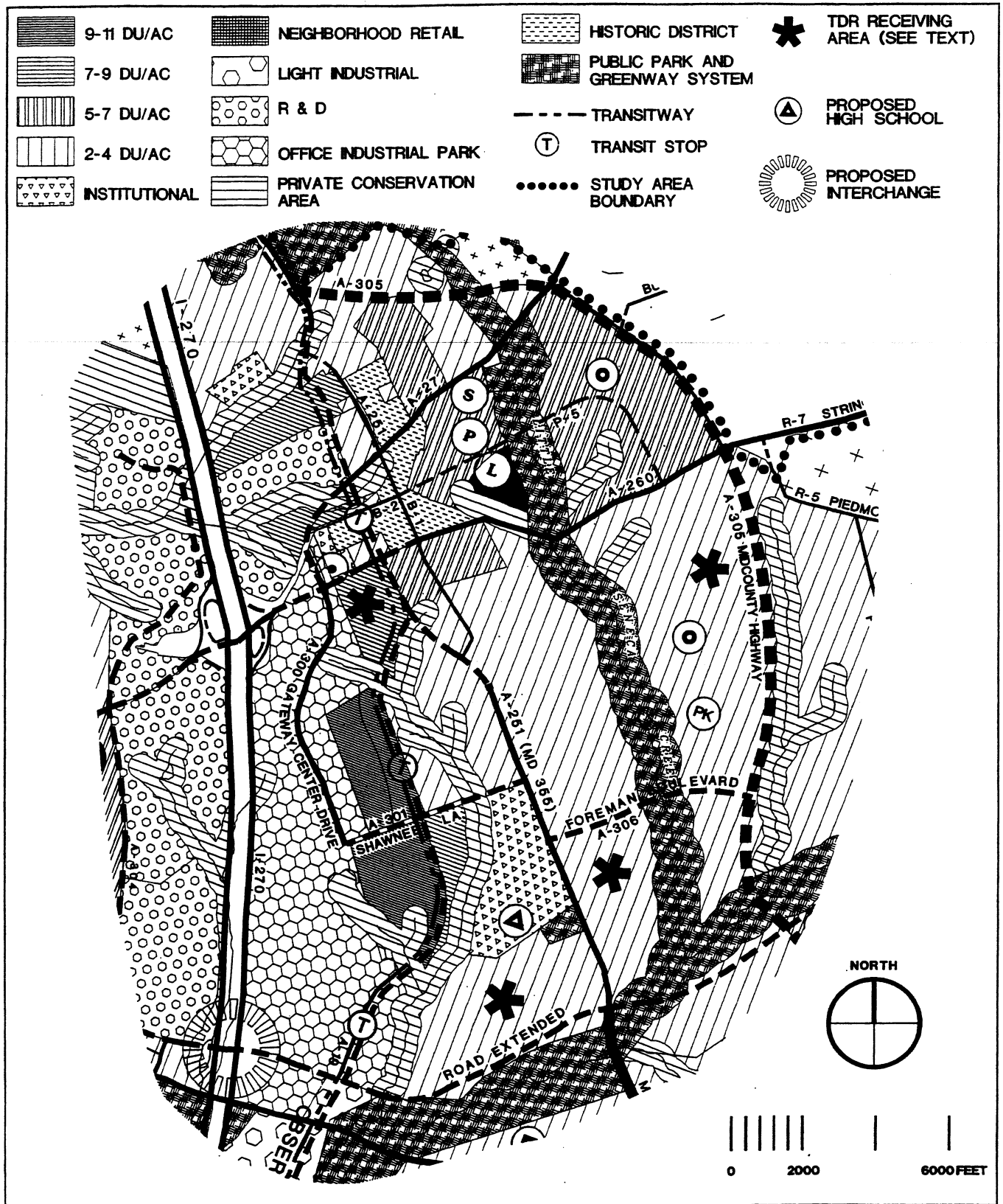
The revised Development Plan conforms to the Master Plan recommendations by providing sufficient residential density adjacent to transit and employment areas in an attractive arrangement of open space and development. The proposal meets the required mix of units recommended in the Master Plan. The arrangement of units, street system, and open spaces achieves the vision of the Master Plan in creating a transit-serviceable, traditional community.

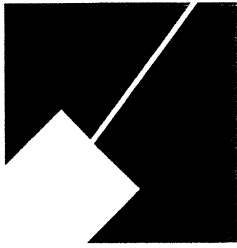
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Attachment

Transit Corridor District Land Use Plan

Figure 1





July 11, 2006

MEMORANDUM

TO: Elsabett Tesfaye, Planner
Community-Based Planning Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ki H. Kim, Planner/Coordinator
Transportation Planning

KHK

SUBJECT: Zoning Application No. G-832
Garnkirk Farms
Clarksburg

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject zoning application. The application includes 37.176 acres of land, the Garnkirk Farms, located west of Frederick Road (MD 355) north of Shawnee Lane in the Clarksburg Policy Area. The subject site is currently zoned R-200 and proposed to be developed for 408 residential dwelling units under the PD-11 zone.

RECOMMENDATIONS

Based on our review of the submitted traffic analysis, Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this zoning application.

1. Total development under the proposed zoning application is limited to 184 multi-family units, 203 townhouses, and 21 single-family homes for a total of 408 dwelling units.
2. The applicant shall construct Observation Drive (A-19) from Shawnee Lane to the northernmost point of access as a two-lane arterial roadway including a five-foot sidewalk within the frontage of the Property. The phasing plan for Observation Drive construction pertaining to the number of building permits shall be determined as a part of preliminary plan review.

3. The applicant shall provide the following improvements at the intersection of Stringtown Road Extended and Gateway Center Drive. The improvements shall provide for exclusive dual northbound left-turn lanes, by re-designating one exclusive northbound through lane as an exclusive left-turn lane with the particular design requirements to be approved by Montgomery County Department of Public Works and Transportation. The third lane on the northbound movement will be designated as a shared through and right-turn lane. Applicant is responsible for all changes required to the traffic signal system as a result of the change in lane configuration at this location. The timing of completing this improvement pertaining to the number of building permits shall be determined at the time of preliminary plan review.
4. The applicant shall place the Cawood Property in reservation for ten years for future acquisition by the governmental authority should it be required for transit related parking. The Cawood Property is located in the northeast quadrant of the Observation Drive/Shawnee Lane intersection. The applicant acquired this property and showed conceptually in the Development Plan how that parcel can accommodate the parking that may be in the future required for the transit station.
5. The applicant shall dedicate all necessary right-of-ways recommended in the master plan for Observation Drive (A-19) and Shawnee Lane (A-301) within the subject site.

DISCUSSION

Site Access and Vehicular/Pedestrian Circulation

The proposed Garnkirk Farms development will have two access points from Observation Drive and one access point from Shawnee Lane that will be aligned with the access point to the Eastside development.

Staff finds the proposed access to the site, as shown on the development plan, to be safe and adequate. Staff also finds that the internal pedestrian circulation and walkways as shown on the Development Plan provide for a safe and adequate movement of pedestrian traffic.

Local Area Transportation Review

A revised traffic study was submitted to determine the impact of the proposed development on area transportation system. The revised study included using newly counted traffic at the intersection of MD 355 and Shawnee Lane, taking into consideration the effect of newly built segment of Stringtown Road between MD 355 and I-270, modifications to the approved Eastside development and the new plan for the Garnkirk Farms Four local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The proposed development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. The result of CLV calculation is shown in the following table.

Table I

	Existing		Background		Total**	
	AM	PM	AM	PM	AM	PM
MD 121/Gateway Center Drive	840	848	1,151	1,262	1,209	1,291
MD 355/Stringtown Road	1,438	1,309	1,428	1,382	1,428	1,382
MD 355/Shawnee Lane	974	1,202	1,082	1,218	1,094	1,275
Gateway Center Drive/Shawnee Lane	117	228	239	380	361	490

** Total development conditions with proposed roadway improvements

As shown in the above table, all existing intersections analyzed are currently operating at acceptable 1,450 CLV congestion standard. Under the background development and total development conditions, all intersections analyzed are also projected to operate at acceptable 1,450 CLV congestion standard upon implementation of the roadway improvements committed by the applicant of the Eastside development, DPWT's CIP Project for improvements of MD 355/Shawnee Lane intersection and this applicant along with other developers commitments for roadway and intersections improvements in the area. Those intersection improvements are planned for Clarksburg Road (MD 121) and Gateway Center Drive (becomes Gateway Center Drive/Stringtown Road Extended).

Master Plan Transit Requirements Review

The 1994 Clarksburg Master Plan recommends a complete transit system as part of the Transportation and Mobility Plan to support future developments in the area with emphasis on transit use in accordance with the Plan objectives for transit-oriented community developments in Clarksburg. The Master Plan recommends the location of the transitway within the entire length of the A-19 (Observation Drive) right-of-way from Germantown to MD 355 and identifies the Garnkirk Farms site as one of the Transit Stop. The Development Plan shows the right-of-way needed for Observation Drive (A-19) that includes areas for the transitway. The Park-and-Ride lot at the Cawood Property that was acquired by the applicant to satisfy the master planned transit stop requirement will be placed in reservation for ten years. Staff supports the applicant's proposal to place the Cawood Property in reservation for future acquisition by the governmental authority should it be required for the of a transit related parking garage.

CONCLUSION

Staff concludes that the 408-dwelling unit residential development of the Garnkirk Farm proposed under PD-11 with roadway improvements that are conditioned in this memorandum will not have an adverse impact on the surrounding roadway network.

KHK:gw

mno to tesfaye re G-832 Garnkirk Farms



850 Hungerford Drive * Rockville, Maryland * 20850-1747
Telephone (301) 279-3333

February 3, 2005

Ms. Elsabett Tesfaye
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

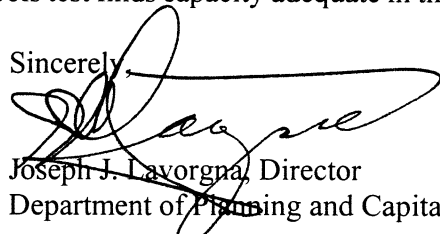
Dear Ms. Tesfaye:

This letter is sent in response to zoning application number G-832. The applicant's proposed project is called "Garnkirk Farms", and is located on Shawnee Lane, east of Gateway Center Drive, in Clarksburg, Maryland. This project includes a total of 489 units, including 196 2 over 2 townhouses, 117 standard townhouses, and 176 apartments (with structure parking.) Based on average yield factors derived from the Maryland National Capital Park and Planning Commission 2003 Census Update Survey, the impact of this project is estimated to be approximately 92 elementary, 34 middle, and 57 high school students.

This property is located within the Clarksburg Elementary School, Rocky Hill Middle School, and Damascus High School service areas. Enrollment at Clarksburg Elementary School exceeds capacity currently and is projected to exceed capacity through 2010-11. In August 2006 a new elementary school is scheduled to open in the area—Clarksburg/Damascus Elementary School #7—and enrollment at Clarksburg Elementary School will be reduced as boundaries for the new school are implemented. In August 2009 another new elementary school is scheduled to open in the area—Clarksburg/Damascus Elementary School #8—and enrollment at Clarksburg Elementary School will be further reduced when boundaries for this new school are adopted. Enrollment at Rocky Hill Middle School is projected to be within capacity through 2008-09, and then to exceed capacity in 2009-10 and 2010-11. As Clarksburg builds-out an additional middle school will be needed to address enrollment growth. This additional middle school is not yet programmed. Enrollment at Damascus High School exceeds capacity currently and is projected to exceed capacity through 2010-11. However, in August 2006 a new high school—Clarksburg/ Damascus Area High School—is scheduled to open, and from 2006-07 through 2010-11 enrollment will be reduced as boundaries for the new school are implemented. See enclosed pages from the Superintendent's Recommended FY2006 Capital Budget and Amended FY 2005-2010 Capital Improvements Program.

The current Annual Growth Policy (AGP) schools test finds capacity adequate in the Damascus cluster.

Sincerely,


Joseph J. Lavorgna, Director
Department of Planning and Capital Programming

JJL:bc

Enclosure

Copy to:

Mr. Bowers
Mr. Crispell
Ms. Turpin

Damascus Cluster

Montgomery County Public Schools
850 Hungerford Drive

Map Compiled by MCPS Department of Planning and Capital Programming Sep 27, 2004
Map base provided by Montgomery County DTS Geographic Information System Division

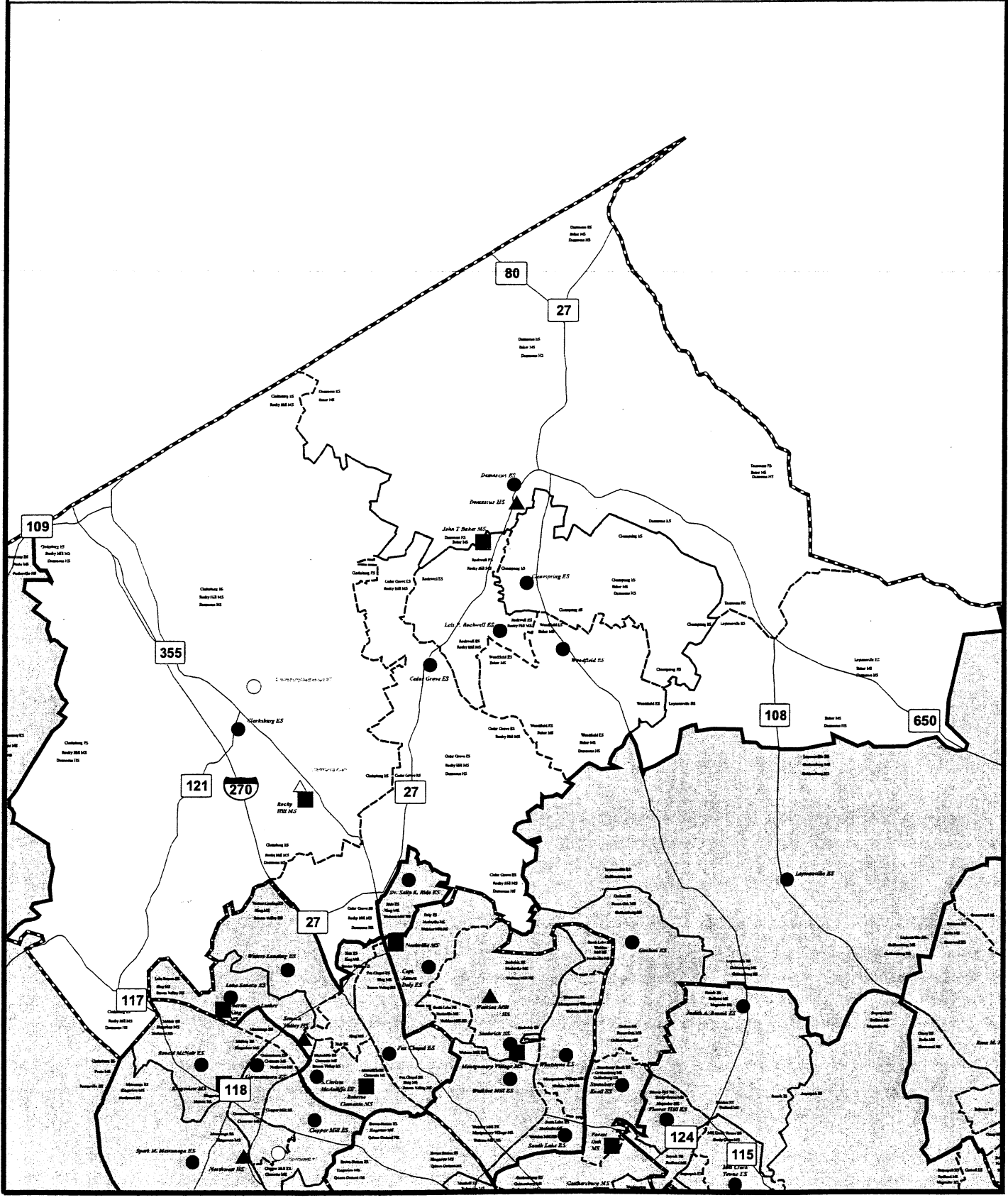


Closed	New	Current	
			Grades K-2
			Grades 3-6 or 3-5
			Grades K-5
			Middle Schools
			High Schools

Vicinity Map



	Cluster Service Areas
	ES Service Areas
	Major Roads



CLUSTER PLANNING ISSUES

Capital Project: Restroom renovations are planned for schools in this cluster that were constructed or modernized before 1985 and do not have planning or construction funds approved in the FY 2005–2010 CIP. Schools that are receiving an addition project will have the improvements completed at the same time. Please see Appendix W for the list of schools that are approved to receive restroom renovations.

Planning Issue: The Clarksburg Master Plan, approved in 1994, provides for the development of a community of up to 15,000 housing units. A large number of housing units are now in development. Build-out of the master plan will result in the formation of a new cluster of schools in the Clarksburg area. Two new elementary schools and a high school are needed during the six-year CIP planning period. Staff will continue to monitor the growth in this area to determine future facility needs.

Clarksburg Area High School

Capital Project: FY 2005 construction funds are approved to begin the construction of the conversion of old Rocky Hill Middle School facility into the new Clarksburg Area High School. The opening of this school is scheduled for August 2006. In order for this school to be completed on schedule, two critical funding sources must be provided. First, the County Council must provide local funding at the levels approved in the FY 2005–2010 CIP, and second, the State of Maryland must provide state funding at the levels projected by the County Council for the FY 2005–2010 CIP.

Non-Capital Action: A boundary study is recommended to evaluate boundary options for Clarksburg Area High School in spring 2005 for Board of Education action in November 2005. The scope of the high school boundary study will include all of the elementary, middle, and high schools in the Damascus, Seneca Valley, and Watkins Mill clusters. The boundary study also will explore options that will address the middle school articulation pattern in these clusters. The middle school boundary study scope will be limited to the schools that articulate to Martin Luther King, Jr., Middle School in the Seneca Valley Cluster, Neelsville Middle School in the Watkins Mill Cluster, and Rocky Hill Middle School in the Damascus cluster.

Damascus High School

Utilization: Large projected high school enrollment increases in the Damascus cluster require a new high school to be opened during the six-year CIP planning period. A new school will address the long-term high school facility needs for the cluster, as well as provide relief for projected overutilization at Seneca Valley and Watkins Mill high schools. Relocatable classrooms will be used at Damascus High School as needed until the new high school opens.

Non-Capital Action: A boundary study is recommended to evaluate boundary options for Clarksburg Area High School in spring 2005 for Board of Education action in November 2005. The boundary study will explore options for the new high school along with the middle school articulation pattern.

John T. Baker Middle School

Utilization: Projections indicate that enrollment at John T. Baker Middle School will exceed capacity throughout the six-year CIP period. An addition is needed at the school to accommodate the projected enrollment. Relocatable classrooms will be used until the addition is completed.

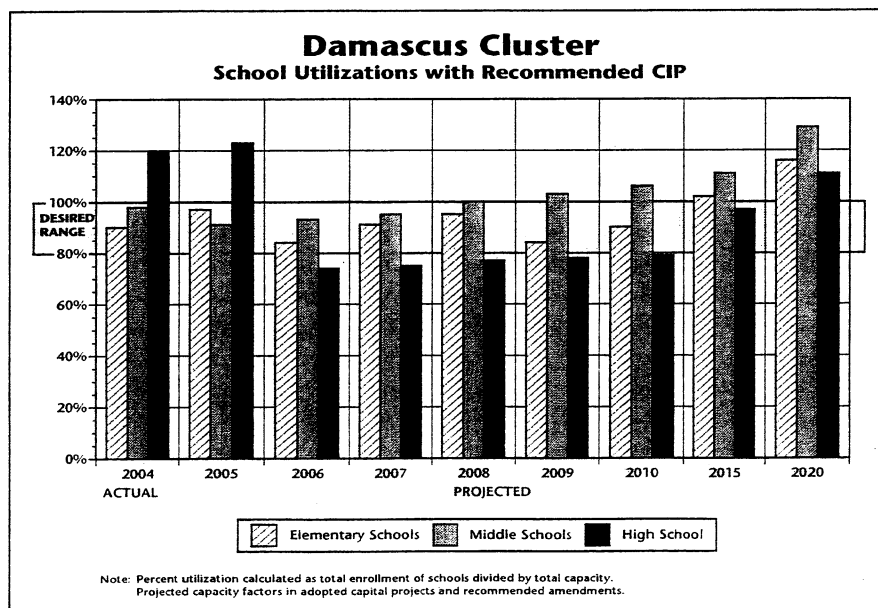
Capital Project: FY 2005 construction funds were approved to construct a six-classroom addition to John T. Baker Middle School for completion by August 2005.

Rocky Hill Middle School

Non-Capital Action: A boundary study is recommended to evaluate boundary options for Clarksburg Area High School in spring 2005 for Board of Education action in November 2005. The scope of the high school boundary study will include all of the elementary, middle, and high schools in the Damascus, Seneca Valley, and Watkins Mill clusters. The boundary study also will explore options that will address the middle school articulation pattern in these clusters. The middle school boundary study scope will be limited to the schools that articulate to Martin Luther King, Jr., Middle School in the Seneca Valley Cluster, Neelsville Middle School in the Watkins Mill Cluster, and Rocky Hill Middle School in the Damascus cluster.

Cedar Grove Elementary School

Non-Capital Action: A boundary study is recommended to evaluate boundary options for the Clarksburg/Damascus Elementary School #7 in winter 2004 with Board of Education action scheduled for March 2005. This boundary study needs



to occur before the high school boundary study because the elementary school service areas are used as the building blocks for developing high school boundary options. The boundary study will include representatives from Cedar Grove and Clarksburg elementary schools.

Clearspring Elementary School

Planning Issue: A new Center for the Highly Gifted was approved for placement at Clearspring Elementary School. This center serves students from the Damascus, Gaithersburg, Col. Zadok Magruder, and Watkins Mill clusters. The program began with 50 students in Grade 4 in the 2002–2003 school year, followed in the 2003–04 school year with full implementation in Grades 4 and 5. An additional class was added to the fourth grade beginning in the 2004–2005 school year, and will be followed with the fifth grade next year (75 students per grade).

Clarksburg Elementary School

Utilization: Enrollment growth at Clarksburg Elementary School reflects the first phase of the Clarksburg master plan development. Additional capacity is needed to accommodate the growing enrollment in this area. A facility planning study was conducted in spring 2001 to explore the feasibility of an addition to Clarksburg Elementary School. Because of additional subdivision approvals, the enrollment forecast for this school increased dramatically, generating the need for a new elementary school rather than an addition.

Non-Capital Action: A boundary study is recommended to evaluate boundary options for the Clarksburg/Damascus Elementary School #7 in winter 2004 with Board of Education action scheduled for March 2005. This boundary study needs to occur before the high school boundary study because the elementary school service areas are used as the building blocks for developing high school boundary options. The boundary study will include representatives from Cedar Grove and Clarksburg elementary schools.

Clarksburg/Damascus Elementary School #7

Capital Project: FY 2005 planning and construction funds are approved to complete the architectural design and begin the construction for the new school. The scheduled completion date for the new school is August 2006.

Capital Project: FY 2005 planning funds are approved for a gymnasium. The scheduled completion date for this gymnasium is August 2006.

Non-Capital Action: A boundary study is recommended to evaluate boundary options for the Clarksburg/Damascus Elementary School #7 in winter 2004 with Board of Education

action scheduled for March 2005. This boundary study needs to occur before the high school boundary study because the elementary school service areas are used as the building blocks for developing high school boundary options. The boundary study will include representatives from Cedar Grove and Clarksburg elementary schools.

Clarksburg/Damascus Elementary School #8

Utilization: Projections indicate that enrollment at the elementary school level will continue to increase dramatically throughout the six-year period requiring another elementary school in the Clarksburg area.

Capital Project: FY 2005 facility planning funds and FY 2007 planning were approved as part of the FY 2005–2010 CIP for a new school with a proposed opening date for the school of August 2009. In order for this school to be completed on schedule, two critical funding sources must be provided. First, the County Council must provide local funding at the levels approved in the FY 2005–2010 CIP, and second, the State of Maryland must provide state funding at the levels projected by the County Council for the FY 2005–2010 CIP.

Capital Project: FY 2007 planning funds are approved for a gymnasium. The scheduled completion date for this gymnasium is August 2009. In order for this gymnasium to be completed on schedule, the County Council must provide local funding at the levels approved in the FY 2005–2010 CIP.

Lois P. Rockwell Elementary School

Capital Project: FY 2005 planning funds are approved for a gymnasium. The scheduled completion date for this gymnasium is August 2006. In order for this gymnasium to be completed on schedule, the County Council must provide local funding at the levels approved in the FY 2005–2010 CIP.

CAPITAL PROJECTS

School	Project	Status	Date of Completion
Clarksburg Area HS	Conversion of Rocky Hill facility	Approved	Aug. 2006
Baker MS	6-classroom addition	Approved	Aug. 2005
Clarksburg/Damascus ES #7	New school Gymnasium	Approved	Aug. 2006
Clarksburg/Damascus ES #8	New school Gymnasium	Approved	Aug. 2009
Rockwell ES	Gymnasium	Approved	Aug. 2006

DAMASCUS CLUSTER

Projected Enrollment and Space Availability

Effects of the Recommended Amendments to the FY 2005–2010 CIP and Non-CIP Actions on Space Available

Schools		Actual	Projections							
		04-05	05-06	06-07	07-08	08-09	09-10	10-11	2015	2020
Damascus HS	Program Capacity	1,589	1,589	1,643	1,643	1,643	1,643	1,643	1,643	1,643
	Enrollment	1,902	1,955	1,981	2,015	2,075	2,113	2,138	2,600	3,000
	Available Space	(313)	(366)	(338)	(372)	(432)	(470)	(495)	(957)	(1,357)
	Comments	Boundary Study		-2 ED -1 SCB/-1 LFI						
Clarksburg Area HS	Program Capacity	0	0	1,049	1,049	1,049	1,049	1,049	1,049	1,049
	Enrollment	0	0	0	0	0	0	0	0	0
	Available Space	0	0	1,049	1,049	1,049	1,049	1,049	1,049	1,049
	Comments	Boundary Study		Opens* +2 ED, +2 SCB +1 LFI						
John T. Baker MS	Program Capacity	559	694	694	694	694	694	694	694	694
	Enrollment	736	749	742	723	723	686	669	700	700
	Available Space	(177)	(55)	(48)	(29)	(29)	8	25	(6)	(6)
	Comments		+6 Room Addition							
Rocky Hill MS	Program Capacity	1,012	1,012	1,012	1,012	1,012	1,012	1,012	1,012	1,012
	Enrollment	802	810	842	897	980	1,066	1,137	1,200	1,500
	Available Space	210	202	170	116	32	(54)	(124)	(188)	(488)
	Comments	Boundary Study								
Cedar Grove ES	Program Capacity	533	533	483	483	483	483	483		
	Enrollment	556	571	565	585	592	614	649		
	Available Space	(23)	(38)	(82)	(102)	(109)	(131)	(166)		
	Comments	Boundary Study		+FDK						
Clarksburg ES	Program Capacity	402	402	355	355	355	355	355		
	Enrollment	467	588	752	909	1,073	1,242	1,428		
	Available Space	(65)	(186)	(397)	(554)	(718)	(887)	(1,073)		
	Comments	Boundary Study		+FDK						
Clarksburg/Damascus #7 ES	Program Capacity	0	0	738	738	738	738	738		
	Enrollment	0	0	0	0	0	0	0		
	Available Space	0	0	738	738	738	738	738		
	Comments	Boundary Study		Opens +Gym +FDK						
Clarksburg/Damascus #8 ES	Program Capacity	0	0	0	0	0	738	738		
	Enrollment	0	0	0	0	0	0	0		
	Available Space	0	0	0	0	0	738	738		
	Comments	Facility Planning		Planning For New School			Opens +Gym			
Clearspring ES	Program Capacity	676	676	676	676	676	676	676		
	Enrollment	587	611	612	646	629	610	627		
	Available Space	89	65	64	30	47	66	49		
	Comments	+FDK	-1 pre-K, +1 HS							
Damascus ES	Program Capacity	387	362	362	362	362	362	362		
	Enrollment	354	328	308	310	310	324	336		
	Available Space	33	34	54	52	52	38	26		
	Comments		+FDK							
Lois P. Rockwell ES	Program Capacity	624	570	570	570	570	570	570		
	Enrollment	460	479	492	500	499	515	527		
	Available Space	164	91	78	70	71	55	43		
	Comments		+1 PEP +FDK	+Gym						
Woodfield ES	Program Capacity	538	538	538	491	491	491	491		
	Enrollment	434	411	390	387	391	396	403		
	Available Space	104	127	148	104	100	95	88		
	Comments				+FDK					
Cluster Information	HS Utilization	120%	123%	74%	75%	77%	78%	79%	97%	111%
	HS Enrollment	1,902	1,955	1,981	2,015	2,075	2,113	2,138	2,600	3,000
	MS Utilization	98%	91%	93%	95%	100%	103%	106%	111%	129%
	MS Enrollment	1,538	1,559	1,584	1,620	1,703	1,752	1,806	1,900	2,200
	ES Utilization	90%	97%	84%	91%	95%	84%	90%	102%	116%
	ES Enrollment	2,858	2,988	3,119	3,337	3,494	3,701	3,970	4,500	5,100

Total capacity for Clarksburg Area High School will be approximately 1,600 when it opens.

DAMASCUS CLUSTER

Demographic Characteristics of Schools

Schools	2004-2005						2003-2004*		
	Total Enrollment	African American %	American Indian %	Asian American %	Hispanic %	White %	FARMS %	ESOL** %	Mobility Rate*** %
Damascus HS	1,902	7.9%	0.4%	6.3%	6.0%	79.4%	5.3%	0.0%	9.5%
John T. Baker MS	736	7.9%	0.7%	3.8%	9.1%	78.5%	10.2%	0.0%	7.1%
Rocky Hill MS	802	13.8%	0.2%	10.6%	8.7%	66.6%	12.1%	0.1%	7.6%
Cedar Grove ES	556	17.6%	0.0%	23.0%	9.2%	50.2%	12.5%	4.9%	19.5%
Clarksburg ES	467	9.4%	0.2%	16.9%	6.4%	67.0%	13.5%	3.7%	10.7%
Clearspring ES	587	16.4%	0.5%	9.7%	7.3%	66.1%	20.7%	3.1%	9.5%
Damascus ES	354	4.0%	0.0%	1.4%	7.3%	87.3%	10.2%	2.0%	9.8%
Lois P. Rockwell ES	460	8.0%	0.0%	5.2%	11.3%	75.4%	7.8%	1.1%	10.6%
Woodfield ES	434	5.1%	0.7%	5.1%	3.7%	85.5%	4.8%	0.7%	5.3%
Elementary Cluster Total	2,858	10.9%	0.2%	11.0%	7.6%	70.2%	11.9%	2.7%	10.9%
Elementary County Total	62,868	22.6%	0.3%	14.8%	21.3%	41.0%	28.5%	10.8%	17.2%

*Percent of students approved for Free and Reduced-priced Meals Program (FARMS) and

Percent of English for Speakers of Other Languages (ESOL) data was not complete for the 2004-2005 school year at the time of publication.

**High School ESOL students are served at regional ESOL centers.

***Mobility Rate is the number of entries plus withdrawals during the 2003-2004 school year compared to total enrollment.

Program Capacity and Room Use Table
(School Year 2004-2005)

Schools	Grades Served	Capacity (Sec. @90%)	Total Rooms	Reg. Sec. @25	Reg. Elem. @25	Support Rooms	Class-Size Red Init. — Grades K-2	Pre-K @20	Pre-K @40	HS @20	KINDA @22	KINDH @44	ESOL @15	METS @15	SPECIAL EDUCATION PROGRAMS																						
															School Based	Cluster Based	Quad Cluster Based	County & Regional Based													ADMINISTRATIVE USERS						
															SEC LAD @15	ELEM LAD @13	ELC @10	LANG @12	LFI @10	SCB @6	ACC @7	AUT @6	BRIDGE @10	DHOH @7	EC @10	ED @10	EXTENSIONS @6	LD/QT @13	MR @6	PD @7	PEP @18	SIC @10	VISION (Elementary) @7	VISION (Secondary) @6			
Damascus HS	9-12	1,589	75	67											3				2	1							2										
John T. Baker MS	6-8	559	28	6																						2											
John T. Baker MS	6-8	424	28	16											3				2	1																	
Rocky Hill MS	6-8	1,012	47	43											2												2										
Cedar Grove ES	K-5	533	24		17	3	N						2																								
Clarksburg ES	K-5	402	19		11	3	N					2				3																					
Clearspring ES	HS-5	676	33		22	3	N			1	3						4																				
Damascus ES	K-5	387	21		13	4	N					1									3																
Lois P. Rockwell ES	HS-5	624	28		20	4	N					2																							2		
Woodfield ES	K-5	538	23		18	3	N					2																							2		

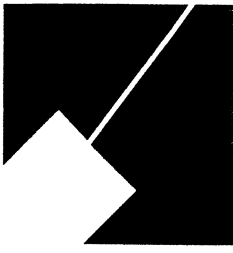
DAMASCUS CLUSTER

Facility Characteristics of Schools 2004-2005

Schools	Year Opened	Year Ren./ Mod.	Total Square Feet	Site Size Acres	Park Adjacent	FACT Assess. Score	Child Care				Reloc. Class. 2004-05	Link. To Learn. Prgms.	Elem. Gym
							Joint Use	Shared Space	County Owned	Private Mod.			
Damascus HS	1950	1978	235,986	32.7		1496					13		
John T. Baker MS	1971		102,568	22	PK	TBD		Yes			9		
Rocky Hill MS	1995		120,625	62.7									
Cedar Grove ES	1960	1987	57,037	10.1			Yes				6		Yes
Clarksburg ES	1952	1993	54,983	10			Yes				7		Yes
Clearspring ES	1988		77,535	10	PK		Yes						Yes
Damascus ES	1934	1980	53,239	9.4		TBD	Yes						Yes
Lois P. Rockwell ES	1992		70,412	10.6			Yes						
Woodfield ES	1962	1985	53,212	10			Yes						Yes

Note: PK denotes that a park is adjacent to the school.

M-NCPPC



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

MEMORANDUM

DATE: March 10, 2005

TO: Elsabett Tesfaye *ETA*
Community Based Planning Division

FROM: Taslima Alam
Development Review Division

SUBJECT: Board of Appeals Petition No. G-832

The proposed development requires subdivision. Prior to the release of any building permits the applicant will be required to submit a Preliminary Plan Application pursuant to Chapter 50 of the Subdivision Regulation and a Site Plan application pursuant to Chapter 59D-3 of the zoning ordinance and record a plat in the land records pursuant to Chapter 50 of the Subdivision Regulation.

WASHINGTON SUBURBAN SANITARY COMMISSION

**DEVELOPMENT PROPOSAL REVIEW
FOR A
REZONING APPLICATION**

APPLICATION NO.: G-832

DATE: MARCH 3, 2005

APPLICANT: RALPH J. DUFF, INC.

LOCATION: NORTH OF SHAWNEE LANE BETWEEN GATEWAY CENTER DR. AND MD 355

COUNTY: MONTGOMERY COUNTY

200' SHEET NO.: 232/3NW13

PRESENT ZONING: R-200

PROPOSED ZONING: PD-11

SIZE OF PARCEL: APPROX. 37 ACRES

DWELLING UNITS: 79 THs, 196 DUPLEXES, 176 APTs

OTHER: NA

WATER INFORMATION

1. Water pressure zone: new zone to be fed from 836A zone
2. A 12-inch water line abuts the property.
3. Local service is adequate.
4. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.
5. The impact from rezoning this property would be negligible; estimated fire flow requirements would increase.

SEWER INFORMATION

1. Basin: Seneca Creek
2. Non-CIP-sized sewer extensions are required to serve the property.
3. Flow from the present zoning: 22,000 GPD
Flow from the requested zoning: 75,000 GPD
Flow from the proposed development: 83,000 GPD
4. Program-sized sewer mains are not required to serve the property.
5. Transmission capacity is adequate.
6. Rezoning this property would not significantly impact the sewerage system.

Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.

Reviewed by Beth Forbes, 301-206-8819.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DEC 10 2004

MEMORANDUM

DATE: November 22, 2004

TO: John Carter, Division Chief, Community Based Planning Division
Melissa Banach, Strategic Planning Division
Mary Dolan, Environmental Planning Division
Taslima Alam, Development Review Division
Daniel Hardy, Transportation Planning Division
Tanya Schmieler, Park Planning and Development Division
Gwen Wright, Historic Preservation Unit
Sue Edwards, Community Based Planning Team 3
Bruce Crispell, Montgomery County Public Schools
Kenneth A. McDonald, Jr., State Highway Administration
Greg Leck, Montgomery County Public Works & Transportation
Officer in Charge, Dept. of Fire & Rescue Services
Elizabeth Forbes, WSSC

FROM: Elsabett Tesfaye
Development Review Division

SUBJECT: Zoning Application No. G-832

*No Historic
sites affected.
-M. Nolan
12-10-04*

The above-cited zoning application is being referred to your division for comment.

Community Planning, Environmental Planning, and Development Review should comment on any aspects relevant to their responsibilities. Transportation Planning should evaluate roadway configuration. Park Planning and Development should comment on any park planning issues involved.

We would appreciate your comment by **Friday, March 4, 2005.**

Thank you for your assistance.

Enclosure: Zoning Application
Schematic Development Plan

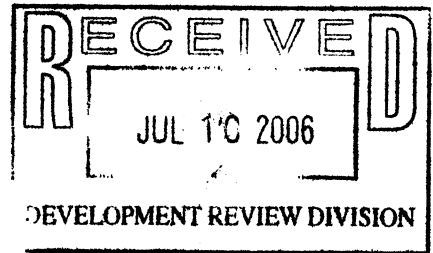
ATTACHMENTS IV

- Applicant's Statements

**GARNKIRK FARMS
Clarksburg, Maryland**

**SUPPLEMENTAL
PLANNING REPORT**

July 7, 2006



**PREPARED BY:
Philip E. Perrine, AICP
Perrine Planning & Zoning, Inc.**

INDEX

I.	Introduction	1
II.	Summary	2
III.	Planning and Zoning Analysis	3
	Subject Property	3
	The Surrounding Area.....	5
	Conformance with the Clarksburg Master Plan.....	6
	Land Use/Zoning Classification	6
	The Revised Development Plan.....	8
	The Planned Development Zone.....	10
	Compliance with the Purpose Clause	10
	Development Standards	13
	Development Plan Findings	21
	Streets, highways and transit	22
	Schools.....	22
	Water & Sewer.....	24
	Public Safety	25
IV.	Conclusion	25

Appendix

1. Revised Development Plan
2. Revised Landscape and Lighting Plan
3. Approved NRI/FSD
4. Preliminary Forest Conservation Plan
5. Design Principles

I. Introduction

This 2nd Supplemental Planning Report supersedes the 1st Supplemental Planning Report dated December 23, 2005 and includes the analysis of revisions to the Development Plan that was submitted with the 1st Supplemental Planning Report. Revisions contained in the latest development plan ("Revised Development Plan" hereinafter) address concerns raised by the Planning Board during a hearing held on March 23, 2006.

The bulk of revisions are aimed at insuring that the Revised Development Plan both currently meets and will continue to meet the purpose clause of the PD zone. The Revised Development Plan accomplishes this by providing for a series of binding design principles ("Design Principles" hereinafter). The Design Principles proffered by the Applicant were developed with the assistance of both Staff and the local community and are generally reflective of the principles of "New Urbanism". The Revised Development plan features major changes to unit layout, unit mix, and unit orientation. Significantly, a reduction in the number of 2 over 2 single family attached units, has reduced the total number of units from 459 to 408.

This application requests the reclassification of Lots 27 and 28, Garnkirk Farms Subdivision from the R-200 (Residential, one-family) Zone to the PD-11 (Planned Development) Zone. The PD-11 Zone is a medium density, planned unit development classification established by Section 59-C-7 of the Montgomery County Zoning Ordinance (The "Zoning Ordinance"). The PD-11 Zone is a floating zone, requiring compliance with the zone's "purpose clause." The "change mistake rule" does not apply to this application. Lots 27 and 28 are referred to in this report as the "Subject Property."

The Applicant is Ralph J. Duffie, Inc. ("Duffie"), a Montgomery County builder and developer that has developed and managed numerous residential, commercial office, and retail projects in the County. The proposed PD-11 development provides a density of eleven units to the acre, inclusive of Moderately Priced Dwelling Unit ("MPDU") units. The proposed development will implement the recommendations of the Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area (the "Clarksburg Master Plan") and provide planned residential density adjacent to the future Capital Cities Transitway. The Garnkirk Farms Community is designed as a pedestrian-oriented neighborhood with a mix of detached and attached single-family dwellings and multi-family residential unit types along with the amenities that are appropriate to serve the anticipated population.

The Garnkirk Farms Community was designed by Charles P. Johnson & Associates ("CPJ") in collaboration with Perrine Planning & Zoning, Inc. ("Perrine"). Together, CPJ and Perrine conducted several studies of the zoning, land use, and engineering aspects of the proposed development. During the course of their analysis, CPJ and Perrine participated in numerous meetings with the Staffs of the Maryland-National Capital Park and Planning Commission's ("M-NCPPC") Development Review Division, Environmental Planning and Community Based Planning divisions, and with representatives of the Clarksburg community

II. Summary

The Subject Property consists of 37.176 acres of land and is undeveloped at present. The land area of Lot 27 is 19.018 acres and the land area of Lot 28 is 18.158 acres. The Subject Property is situated on the East side of Clarksburg, East of Interstate I-270 and North of Shawnee Lane. The extension of Observation Drive (A-19) and the future Capital Cities Transitway, proposed by the Clarksburg Master Plan, will straddle the eastern boundary of the Subject Property.

The Subject Property was recorded as part of a rural residential subdivision in 1947. Since that time, only a few of the smaller residential lots along Shawnee Lane and Route 355 have been developed. The Subject Property remains as it was in 1947.

The Subject Property has a gently rolling topography, rising from Shawnee Lane to the South toward the Gateway Commons development to the North. The only Jurisdictional Wetlands found on the site are located within the extreme Northeastern corner of the Subject Property in an area that will remain undisturbed when the site is developed in accordance with the Revised Development Plan. The future extension of Observation Drive will, however, require disturbing some of the wetlands. Jurisdictional Wetlands are those that are considered to be "waters of the United States" as determined by the Army Corps of Engineers (the "Corps"). The jurisdictional wetlands determination was made by the Corps on May 24, 2005 and is reflected in correspondence to the Applicant from George Harrison on behalf of Walter Washington, Jr., Chief of Maryland Section Southern. A copy of Mr. Harrison's letter has been included in the administrative record.

None of the Subject Property lies within a 100-year floodplain. Only 0.61 acres of the existing forest cover is in a priority area. The area to the West and Northwest of the Subject Property, between the Subject Property and Gateway Center Drive, and between Gateway Center Drive and Interstate I-270, is classified in and has been developed under the I-3 (Technology and Business Park) Zone. The recently opened Clarksburg fire station is also located on Gateway Center Drive.

The property to the South of the Subject Property, on the south side of Shawnee Lane, is a 23.82-acre site known as "Eastside" that was reclassified to the PD-11 Zone by Local Map Amendment Application G-824, approved by Council Resolution No. 15-881 on February 1, 2005. The Eastside project is being developed by Miller and Smith and was zoned for a 290 unit residential development of attached single-family dwellings. The Montgomery County Planning Board recently approved a Preliminary Plan of Subdivision for the Eastside property that included 285 residential dwellings units.

The area to the North of the Subject Property includes the approved Gateway Commons development, currently under construction in accordance with the R-200/TDR Zone. Gateway Commons is also a master planned, mixed residential development of 292 units on 45.25 acres of land (Preliminary Plan 1-02048). The area to the immediate East of the Subject Property, between the Property and Maryland State Route 355, is classified in the R-200 (Residential, one-family) Zone and is wooded and sparsely developed. The Master Plan recommends low-density

development, consistent with the R-200 Zone for the area between future Observation Drive and Maryland Route 355.

The Clarksburg Master Plan was approved and adopted in 1994. The Subject Property is part of a 990-acre area identified by the Clarksburg Master Plan as the "Transit Corridor District", and is located in the "Transitway Area" of that District. The Transit Corridor District is master planned for 2,790 residential dwelling units. The Master Plan recommends the Planned Development Zone for the Subject Property with a development density ranging from PD- 9 to PD-11.

When developed pursuant to the Revised PD-11 Development Plan, public water and sewer, which will be extended to the Subject Property in accordance with the Master Plan recommendations, will serve the Subject Property. In addition, all other required public utilities will be extended, and are programmed to have sufficient capacity to accommodate this Master Plan recommended Planned Unit Development. Stormwater management will be accommodated on-site in accordance with all current regulations applicable to properties located within a Special Protection Area. On-site forest retention will comply with the required 20% ratio pursuant to Chapter 24A of the County Code. Additional off-site forest conservation will also be provided within the County and within the same watershed.

The original Local Area Transportation Review ("LATR") analysis performed by Street Traffic Studies, Ltd. was updated by Stephen G. Petersen, P.E and submitted to the M-NCPPC County-wide Transportation Division as well as to the Office of Zoning and Administrative Hearings. The updated LATR traffic study analyzed the local roadway elements, existing and background conditions, and the traffic that would be generated by 459 units, which comprised the previously proposed development plan. The updated report of the traffic and transportation analysis concluded that the proposed PD-11 development of the Subject Property could be accommodated within the congestion standards for the Clarksburg Policy Area. The updated study confirmed the initial study's conclusion that only one minor modification to the lane configuration at Gateway Center Drive and Stringtown Road extended is required to provide adequate transportation public facilities for the proposed Garnkirk Farms Community. A second amendment to the LATR analysis, analyzing the effect of 408 units, was submitted to M-NCPPC staff on June 27, 2006. The 408 units proposed in the Revised Development Plan have less impact on the surrounding road system than the previously proposed 459 units.

III. Planning and Zoning Analysis

The Subject Property.

The Subject Property is wooded and undeveloped, except for the remains of the foundation of a demolished structure. The Subject Property has a gentle slope, rising from an elevation of 560 feet to the South along Shawnee Lane to approximately 630 feet along its Northern boundary. There are no 100-year floodplains, or historic sites or structures on the Subject Property.

Except for 0.61 acres in the far Northeastern corner, the Subject Property is outside of the Stream Valley Buffer. The area of Clarksburg within which the Subject Property is located is included in the Clarksburg Special Protection Area. As such, the Subject Property is subject to the

development guidelines for Special Protection Areas contained in the Guidelines for Environmental Management adopted by the M-NCPPC. One of those requirements is the submission of a Preliminary Water Quality Plan ("WQP") to both the Department of Permitting Services ("DPS") and the Countywide Environmental Planning Division of M-NCPPC. Notice of the submission of the Preliminary WQP was duly provided on a Planning Board agenda and no public comment was received during the fifteen-day comment period that ended on September 21, 2005. This Preliminary WQP was revised to reflect changes contained in the latest, Revised Development Plan and will be presented to the Planning Board for action simultaneously with the Planning Board's consideration of this LMA and the Revised Development Plan.

The Subject Property is bounded on the South by Shawnee Lane, at present a two-lane road to be widened as a result of the ongoing Clarksburg Master Plan recommended development in the surrounding area. Scattered single-family homes and a church are located to the East of the Subject Property on land classified in the R-200 Zone. The properties to the North and Northwest of the Subject Property are Zoned I-3 and R-200/TDR. The I-3 zoning continues to the West of the Subject Property between it and Gateway Center Drive.

The road network that will serve the proposed planned unit development includes Shawnee Lane to the South, Frederick Road to the East, and Gateway Center Drive to the West. To the North, Clarksburg Road (Maryland Route 121) provides arterial access to the area and the interchange with Interstate Route I-270. Route 121 is presently the principle North-South link for the Clarksburg area. The future Capital Cities Transitway (the "transitway"), proposed by the Clarksburg Master Plan, will be located within the future Observation Drive (A-19) right-of-way, straddling the eastern property line of the Subject Property.

The Subject Property is currently classified in the R-200 (Residential, one-family) Zone. The Subject Property, as well as the surrounding neighborhood, was classified in the "RR, Rural Residential Zone" in 1958, when the first comprehensive zoning for Montgomery County was adopted. The RR Zone is the predecessor to what is currently known as the R-200 Zone, a residential zone primarily intended for single-family development on 20,000 square foot lots. The R-200 zoning category was most recently reaffirmed by the District Council¹ with the adoption of the Clarksburg Sectional Map Amendment (G-710) in 1994, which followed the adoption of the Clarksburg Master Plan.

The Certified Zoning Map maintained by the M-NCPPC reflects that a previous application for the rezoning of the Subject Property, G-617 requesting the I-3 Zone, was filed in 1988 and subsequently withdrawn. The Clarksburg Sectional Map Amendment ("SMA"), G-710, in 1994 was the last comprehensive rezoning action to affect the Subject Property and its surroundings.

¹ When exercising its zoning authority under Chapter 28 of the Maryland Code the Montgomery County Council sits as the District Council for that portion of the Maryland-Washington Regional District that is within Montgomery County. References herein are to the District Council.

The Surrounding Area.

In order to evaluate the impact of this proposed floating zone reclassification, it is necessary to establish the boundaries of the affected "surrounding area." Although the precision required for establishing the boundaries of a zoning neighborhood for determination of a change in the character of the neighborhood is not required for the analysis of a floating zone, the surrounding area must nonetheless be identified with recognizable boundaries. The boundaries of the "surrounding area" in which the Subject Property is located coincide with what the Clarksburg Master Plan identifies as the "Transit Corridor District" for which a mixed-use neighborhood is recommended by that Master Plan. The Transit Corridor District contains 990 acres of land and is master-planned for 2,790 residential dwelling units.

As stated in the introductory paragraphs of this 2nd Supplemental Report, the area to the North of the Subject Property, known as Gateway Commons, is residentially zoned and is presently under development. That site is approved for development with a 292-unit subdivision in accordance with approved Preliminary Plan 1-02048 and Site Plan No. 8-03023.

The property immediately to the South of the Subject Property is another proposed planned development community known as "Eastside." Eastside was zoned last year for the development of 290 residential dwelling units, including 230 condominium "two-over-two" attached dwelling units and 60 traditional townhomes with either front or rear garages, in accordance with the PD-11 zone. Their recently approved Preliminary Plan proposes a total of 285 units, including multi family and single-family attached unit varieties.

The area to the East, between the Subject Property and Frederick Road (MD Route 355), is Zoned R-200. This area is mostly wooded with a stream valley that traverses Lots 13 and 14 and 21 through 25. An unnamed tributary of Little Seneca Creek crosses the Subject Property and flows southward as a first order stream. This stream is classified as a Class IV-P Stream. This area to the east of the Subject Property is mostly open and undeveloped except for a few scattered single-family residences. To the South and East across Shawnee Lane is a twenty-acre parcel operated as a bus depot by the Montgomery County Public Schools System. Moyer and Sons, a moving and storage company, operates its storage facility south of Shawnee Lane. Rocky Hill Middle School, along with a future high school site, is also located to the South and East of the Subject Property.

The western boundary of the Transit Corridor Neighborhood is Interstate I-270. The area between the I-270 neighborhood boundary and the Subject Property is Zoned I-3 and is characterized by employment uses such as a post office, fire station, ESS and Lockheed Martin. The Comsat property to the West is recommended for development with up to 4 million square feet of employment uses if developed in a transit oriented pattern.

Conformance with the Clarksburg Master Plan.

Land Use/Zoning Classification

The Subject Property is within the Clarksburg Planning Area for which a comprehensive master plan was approved and adopted in 1994 with considerable input from the surrounding community. The “most critical function of [the Clarksburg Master Plan] is to establish a strong public commitment to the vision of Clarksburg as a transit-and-pedestrian oriented community surrounded by open space.” (Clarksburg Master Plan p.1) The 1994 Clarksburg Master Plan “envisions Clarksburg as a town, at a larger scale than proposed in the 1968 Clarksburg Master Plan but smaller than a corridor city such as Germantown.” (Clarksburg Master Plan p.16)

The Transit Corridor District contains 990 acres between a tributary to Little Seneca Creek east of Frederick Road (MD Route 355) and I-270. The Transit Corridor District is comprised of the “Transitway Area” and the “MD 355 Area”. The Transitway Area includes properties, such as the Subject Property, which are “traversed” by the proposed transitway and are located between I-270 and generally Observation Drive. The MD 355 Area includes the more traditionally developed areas along both sides of Frederick Road (MD Route 355). The Transit Corridor District is planned to be a mixed-use neighborhood that will “provide housing at designated areas along the transitway near significant employment uses.” (Clarksburg Master Plan p.56) The Clarksburg Master Plan designates the Subject Property as residential. It is one of two areas designated as a “residential center.” The Transit Corridor District Land Use Plan, “figure 22, page 55, indicates a density of 9 to 11 units per acre for the property.

The Clarksburg Master Plan seeks to balance the lower density area along Frederick Road with higher densities in the area along the proposed transitway. The area, including the Subject Property, is planned for the higher densities that are necessary to support transit. (Clarksburg Master Plan p. 54) The reclassification of the Subject Property to the PD-11 Zone will implement the objectives and site-specific recommendations of the Clarksburg Master Plan and, at the higher end of the master-planned density range, this proposal will provide the residential density that will be a major contributor to the future success of the transitway, and will provide MPDUs.

The Clarksburg Master Plan recommends a particular mix of housing unit types for each geographic area identified in the Master Plan. There is no recommended mix of housing unit types for individual properties within each geographic area. The geographic mix for the part of the Transit Corridor District that the Master Plan designates the “Transitway Area” is 30% to 50% multi-family and 40% to 60% single-family attached. (Clarksburg Master Plan p. 39) Only 5% to 10% of the Transitway Area is recommended for single-family detached housing.

Given the immediate adjacency of the Subject Property to the Transitway and the proposed transit stop, the Subject Property is best suited for development of higher density unit types. While perhaps best suited for higher density unit types, in order to provide a broader range of unit types within the project, the Development Plan also include single family detached dwellings. The Revised Development Plan includes twenty-one single-family detached units, 5% of the total yield, thus implementing the Master Plan recommendations for this area. In total,

the revised unit mix consists of 45% multi-family units, 50% attached units and 5% detached units, all reflective of the Master Plan unit mix guidelines for the broader Transitway area.

In light of the above, the proposed reclassification of the Subject Property and its development in the PD-11 Zone, in conformance with the Revised Development Plan, is consistent with and implements the vision of the Clarksburg Master Plan.

Shawnee Lane

Shawnee Lane is a two-lane road within what had been a 70-foot right of way. The Clarksburg Master Plan classifies the road as a 120-foot right of way arterial street with a four-lane divided roadway. Twenty-five feet of additional right of way in this area of Shawnee Lane is to be provided as part of the Eastside development in accordance with the Development Plan associated with that project. The remaining 25 feet, to bring the full right of way to 120 feet, is proposed to be provided by this application in accordance with the Master Plan road classification.

Observation Drive

The alignment of the right of way for both Observation Drive and the Transitway that is coincident with it (the "Observation Drive Alignment") is conceptually depicted on the Highway and Transportation Plan element of the Adopted Clarksburg Master Plan (Figure 40). The Countywide Transportation Planning Division of M-NCPPC has determined that the Observation Drive Alignment depicted on the Highway and Transportation Plan element of the Master Plan places the centerline of that arterial highway on the east property line of the Subject Property as it proceeds northward from Shawnee Lane to connect to the right of way alignment approved for the segment of Observation Drive within Gateway Commons. This M-NCPPC staff determination is consistent with Master Plan Figure 40, the Clarksburg Master Plan Highway and Transportation Plan and the intent of the Master Plan as stated in the text.

The M-NCPPC Staff prepared "Clarksburg Area Development" Map also depicts the alignment of Observation Drive in accordance with the above determination. The centerline of that alignment of Observation Drive is located on the Subject Property's eastern property line. The right of way alignment on the Revised Development Plan is based on the Master Plan alignment more specifically depicted on the Clarksburg Area Development Map prepared by and provided to the Applicant by M-NCPPC Staff prior to the preparation of the original Development Plan.

The Planning Board previously considered the "Master Plan Alignment" when the Board approved the location of the right-of-way for Observation Drive depicted on the Preliminary Plan of Subdivision for Gateway Commons (1-02048), a significantly sized project now under construction to the north of Garnkirk Farms. The recorded plats for Gateway Commons depict the Observation Drive right-of-way extending southward from Gateway Commons, straddling the property line that separates the Subject Property from the lower density R-200 Zoned environmentally sensitive area to the east.

The Revised Development Plan associated with this application thus indicates the location of Observation Drive entered on the east property line of the property.

The Revised Development Plan

The Revised Development Plan depicts a community that is centered about a central spine road, Street "A", which connects to Shawnee Lane and intersects with other private and public roads that, in turn, intersect with Observation Drive. The roads provide multiple points of access to Observation Drive as it runs parallel to the community along the east boundary. Homes are clustered about the individual recreation facilities that are proposed, and, in some cases, the boundaries of these clusters are reinforced by the open space.

Each block of homes contains a variety of residential unit types including, single-family detached, townhouses, and single-family attached units. The multi-family units are located along Observation Drive at the intersection with Shawnee Lane near the likely location of the future Transit Stop.

In the course of preparing revisions to the Development Plan the applicant prepared a list of Design Principles as a means of insuring that the Revised Development Plan would conform to the purpose clause of the PD zone. The Principles, while originally derived from a variety of published sources on New Urbanism, have grown to address the concerns of both MNCPPC Staff and local citizens.

Examples of the Design Principles include:

The neighborhood street system shall be continuous and connected with a configuration that is intuitively understood.;

A mix of residential unit types within each block shall be provided to achieve variety at the street scale.;

A variety of lot widths and/or sizes shall be provided throughout the neighborhood.;

Garages shall be primarily rear-loaded and served by alleys.

Many of the Design Principles are evidenced in the physical layout of the Revised Development Plan. However, several of the Design Principles will be implemented at later stages in the development approval process. Examples of these principles include:

Roof designs and rooflines shall vary within each block to add visual distinction between buildings and account where appropriate for grading conditions.

Building Design – front facades and building materials shall vary within each block to create visual distinctions between dwellings within each block.

The applicant shall mitigate the view of alleys from public streets within the community through the use of a variety of techniques. Mitigation techniques may include the installation of landscape, hardscape, fencing, and detached garages where appropriate.

The Applicant has agreed to incorporate these Design Principles as a binding element of the Revised Development Plan and a copy of the Design Principles is appended to this report.

An existing forested area is retained along the north and west side of the development to provide screening and buffering from the buildings and activity associated with the adjacent industrial and employment areas.

In compliance with Zoning Ordinance and County Code requirements, the application includes a Re-certified Natural Resources Inventory/Forest Stand Delineation ("NRI/FSD") prepared in accordance with a Technical Manual adopted by the Planning Board. The NRI/FSD indicates there are no significant natural features, such as rock outcroppings, scenic views, or historic buildings and structures on this site.

Also, pursuant to Section 59-D-1.3 of the Zoning Ordinance, the Revised Development Plan includes a map indicating both the relationship between the Subject Property site and the surrounding area and the existing uses of adjacent land. The following details are included on the Revised Development Plan:

- (1) The general locations of the points of access to the Subject Property.
- (2) The locations and uses of all buildings and structures.
- (3) The number and location of Moderately Priced Dwelling Units ("MPDU's")
- (4) A preliminary classification of dwelling units by type and by number of bedrooms.
- (4) The location of parking areas, with calculations of the number of parking spaces provided.
- (5) The location of land to be dedicated to public use.
- (6) The location of the land which is intended for common or quasi-public use but not proposed to be in public ownership, and proposed restrictions, agreements or other documents indicating the manner in which it will be held, owned and maintained in perpetuity for the indicated purposes.
- (7) The preliminary forest conservation plan prepared in accordance with Chapter 22A.

The Revised Development Plan also includes a Development Program stating the sequence in which all structures, open spaces, vehicular and pedestrian circulation systems, and community recreational facilities are to be developed. Final phasing decisions will be made at Site Plan Review. It is anticipated at this time that the project will be developed in three phases, which are reflected on the Revised Development Plan.

Subsection (e) of Section 59-D-1.3 of the Zoning Ordinance requires that the Development Program indicate the relationship, if any, between the projects proposed for development and the County's Capital Improvements Program ("CIP"). All of the required transportation infrastructure for this project, the extension of water and sewer service, and the construction of those elements of master-planned roads within the boundaries of the Subject Property will be constructed at the expense of one or more developers and are not dependent upon the County's CIP. As discussed in detail elsewhere in this report, additional school facilities necessary to provide adequate public school facilities are programmed for the Damascus Cluster and are included in the CIP.

Because the Subject Property lies within the Clarksburg Special Protection Area, a water quality inventory and a preliminary and final Water Quality Plan have been submitted to both the Department of Permitting Services and the Planning Board for review and approval in accordance with Chapter 19, Article V, Section 19-5 of the County Code. As shown on the Revised Development Plan for the Subject Property, the water quality protection facilities proposed in the Preliminary Water Quality Plan can be accommodated on the Subject Property and are depicted on the Development Plan as part of the project. A final Water Quality Plan will accompany the Site Plan, as required by the next stage of the development process.

The Planned Development Zone

Compliance with the Purpose Clause

All Planned Development zones are floating zones, which require compliance with the "Purpose Clause" of that Zone for approval of a Local Map Amendment. Section 59- C-7.11 of the Zoning Ordinance enumerates the purposes of the PD Zones as follows:

Purpose. It is the purpose of this zone to implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. It is intended that this zone 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. In so doing, it is intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.

It is further the purpose of this zone that development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities.

It is furthermore the purpose of this zone to provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types.

Additionally, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees and, in order to do so, minimize the amount of grading necessary for construction of a development.

It is further the purpose of this zone to encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development.

It is also the purpose of this zone to encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities, and thereby minimize reliance upon the automobile as a means of transportation.

Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which offer opportunities for a wider range of related residential and nonresidential uses, it is therefore the purpose of this zone to encourage development on such a scale.

It is further the purpose of this zone to achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.

First Paragraph: Master Plan Implementation

As described previously in the Conformance with the Clarksburg Master Plan section of this report, the proposed development of the Subject Property in accordance with the associated Development Plan, is in conformance with the Clarksburg Master Plan. The walkability of the community, variety of housing types within each block, and the proximity of residences to the recreational amenities could not be achieved if conventional zoning categories were utilized. The flexibility in mix of unit type and associated setbacks permits the various types of units to be intermingled within the same block with a sharing of private street and alleyways. The application, thus, conforms to the first paragraph of the Purpose Clause.

Second Paragraph: Social and community interaction, Distinctive visual character, balanced mixture of uses.

The development is designed to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within the area by including a central community space for social gatherings and recreational activity and small-scale recreational

facilities to supplement this principal facility. The central community facility is located so that it will be clearly visible from Observation Drive and will establish a sense of place for the community. Both Observation Drive, located along the property's eastern edge, and the Forest Conservation area to the north and west, buffer the property from the employment areas along Shawnee Lane and establish an edge to the community.

Third Paragraph: Broad range of housing types.

This application includes all the types of residences permitted by the Medium Density Category (200-800 units) in a percentage mix that conforms to the Master Plan guidelines. Moderate priced dwelling units will be distributed throughout the community in a variety of housing types. The various housing types [single family detached, single family attached (2/2), single family attached (traditional townhouses), and multi-family] are interspersed throughout the community. The multi-family building is appropriately located closest to the planned transit station at the intersection of Shawnee Lane and Observation Drive.

Fourth Paragraph: Trees and Grading.

The proposed development implements the PD Zone purpose of taking "the greatest possible aesthetic advantage of trees" because it retains an extensive amount of existing forested area in a location adjacent to industrial development that serves the dual purpose of retaining a one hundred-foot deep forest and contributing to the establishment of an effective buffer between residential and warehouse uses. The additional on-site forest is located in the more environmentally sensitive areas and that forest also contributes to the visual amenities provided for the future residents of Garnkirk Farms. This compact, efficient community is designed to reduce clearing of trees and grading of land to the maximum extent possible while still conforming to the residential unit mix required by the Master Plan.

Fifth Paragraph: Open space.

The small amount of Stream Valley Buffer occurring on the property is left totally undisturbed and additional open space is provided adjacent to the stream. However, the future extension of Observation Drive will disturb a portion of the Stream Valley. A large open space area is centrally located to provide a setting for the community clubhouse and swimming pool. Internal open space is utilized for active and passive recreational facilities within the proposed community. These open space areas are distributed at various scales throughout the community so that all residences are within easy walking distance of open space. Open space is also utilized along Observation Drive to create a visual openness to the community and simultaneously provide additional setback for residences.

Sixth Paragraph: Minimize reliance on cars

Nearly all the proposed residences are within one-quarter mile of the Master Planned Transit Stop and are arranged within a development pattern with streets and sidewalks that create a very pedestrian friendly community. The transit-oriented aspect of the community and the proximity to recreation facilities and community gathering location all reduce the reliance on cars.

Seventh Paragraph: Scale

The scale of the proposed development at 408 units is sufficient to provide for variety in terms of unit type including sufficient multi-family units to create a viable multi-family community. The land area and scale are also sufficient to create meaningful recreation facilities.

Eighth Paragraph: Safety, convenience and amenity.

The grid system of streets will create a visual identity for each of the neighborhoods, which are centered on open space and recreational facilities. The internal road pattern features private streets, designed to slow traffic, and with connections between public and private streets. These private streets meet the Montgomery County Fire and Rescue Services standards for ensuring emergency access. These features safely and efficiently direct traffic through the community and create a high level of connectivity between the different blocks of homes. An entire pedestrian network is created parallel to, but separate from, the street system to ensure pedestrian safety. Parking spaces are provided in sufficient numbers and are distributed to individual residences as well as on-street to serve the community conveniently.

Eighth Paragraph: Compatibility

The compatibility of the proposed development with adjacent uses is attained through the retention of forested area in strategic locations and the alignment of Observation Drive and Shawnee Lane as previously described in the Revised Development Plan section.

The development will also provide a place of residence close to employment, and integrate with planned employment and retail commercial uses and related public and private facilities within the Clarksburg area as shown on the Clarksburg Master Plan. This application, therefore, complies with the Purpose Clause of the PD Zone.

Development Standards

The Application complies with the PD-11 Zone Development Standards in the following manner:

Section C-7.12 Where Applicable

Sec. C-7.121 Master Plan. No land can be classified in the planned development zone unless such land is within an area for which there is an existing, duly adopted master plan which shows such land for a density of 2 dwelling units per acre or higher.

The Master Plan recommends PD-9 to PD-11 zoning classification for the Property.

Section C-7.122 Minimum Area. *No land can be classified in the planned development zone unless the district council finds that the proposed development meets at least one of the following criteria:*

- (a) That it contains sufficient gross area to construct 50 or more dwelling units under the density category to be granted;*
- (b) That it would be a logical extension of an existing planned development;*
- (c) That it would result in the preservation of an historic structure or Property (as indicated on the current historic site identification map or as recommended by the planning board as being of historic value and worthy of preservation);*
- (d) That the accompanying development plan would result in the development of a community redevelopment area;*
- (e) That the Property is recommended for the PD zone in an approved and adopted master or sector plan and so uniquely situated that assembly of a minimum gross area to accommodate at least 50 dwelling units is unlikely or undesirable and the development of less than 50 dwelling units is in the public interest.*

The Property contains sufficient area to allow development of up to 408 dwelling units, not inclusive of density bonuses for moderately priced units.

Section 59-C-7.13 Uses permitted

59-C-7.131 Residential Uses. *All types of residential uses are permitted, including accessory uses. These include the following, provided they are shown on the development plan: housing and related facilities for senior adults or persons with disabilities, a group home, and a life care facility. A life care facility is subject to the provisions of Section G-2.35.1. The various dwelling unit types must be planned and constructed in accordance with the following table. The table establishes, by density category and size of development, the minimum percentage required for each dwelling unit type within a planned development. All remaining dwelling units not included in the minimum requirements may be of any type or combination of types permitted in the applicable density category and development size, provided the maximum percentage is not exceeded in any instance.*

		Minimum (Maximum) Percentage ¹			
		One-Family		Multiple-Family ²	
Density Category	Size of Development (Units) ³	Detached	Townhouse and Attached	4-Story or Less ⁴	Over 4-Story ⁵
Low: PD-2 & PD-3	Less than 200	35	35	NP	NP
	200-800	30	20	10(40)	NP
	More than 800	20	20	20	P(20)
Medium Low: PD-4, PD-5 & PD-7	Less than 200	10	40	15(30)	NP
	200-800	10	25	25(40)	NP
	More than 800	10	20	25	P(20)
Medium: PD-9, PD-11 & PD-13	Less than 200	P	25	25	NP
	200-800	P	20	35	NP
	More than 800	P	20	35(60)	P(30)
Medium High: PD-15, PD-18, PD-22 & PD-25	Less than 200	P	P	50	NP
	200-800	P	10	25 (75)	P(30)
	More than 800	P	10	35	25(40)
High: PD-28, PD-35 & PD-44	Less than 200	P	P	P	50
	200 or more	P	P	25	50
Urban High: PD-60, PD-68, PD-75, PD-88 & PD-100		NP	P	P	P

NP Not permitted.

P Permitted but not required.

() Maximum percentage permitted.

1 The District Council may waive the percentage requirements for one-family and multiple-family dwelling units, if it finds that a proposed development (a) is more desirable for stated environmental reasons than development in accordance with these limits, or (b) achieves goals, policies or recommendations stated in an approved and adopted master or sector plan.

2 If the minimum percentage would yield a total of 150 multiple-family dwelling units or less, this requirement does not apply and no such units are required. Whenever the minimum percentage would yield 151 units or more, the full number is required, unless it is waived as provided by Footnote 1.

3 Total number of dwelling units planned.

4 One-family attached units may be substituted for all or part of this requirement.

5 Four-story height limit may be waived for a building designated and approved as housing for senior adults or persons with disabilities if (a) such housing is in accord with both the purposes of the zone and County policies and goals concerning the need for such housing; and (b) appropriately located with respect to the special needs of senior adults or persons with disabilities.

The Application is in the Medium Density Category, since it is a request for PD-11 within the 200-800 unit range. The percentage of unit type required and permitted compared to the percentage of unit type proposed is provided in the following table:

Use Type	Requirement	Proposed Units	Percent
SF Detached	Permitted	21	5%
SF Attached	20% Min.	203	50%
Multi-Family			
(4 story or less)	35% Min.	184	45%
(over 4-story)	Not Permitted	n/a	n/a

Section C-7.132 Commercial Uses

No commercial uses are proposed.

Section C-7.133 Other Uses

- (a) *Noncommercial community recreational facilities which are intended exclusively for the use of the residents of the development and their guests may be permitted.*
- (b) *Any nonresidential, noncommercial use may be permitted at the discretion of the district council on a finding that it is compatible with the planned development and satisfies the requirements of section 59-C-7.15.*
- (c) *Cable communications system as a special exception use, except as provided in sections 59-A-6.9 and 59-G-2.10.1.*
- (d) *Any special exception use in the R-90 zone, as shown in section 59-C-1.31, may be permitted by the district council if the use meets the requirements of section 59-G-1.2 and division 59-G-2. If the use is proposed after the district council has approved the development plan, a petition for a special exception must be filed with the board of appeals. The board may approve the special exception if:*
 - (1) *It finds that the use:*
 - (i) *Is consistent with the design standards of the development plan; and*
 - (ii) *Satisfies the requirements of article 59-G; or*
 - (2) *The use is not consistent with the design standards of the development plan but the approval is contingent on the district council's approval of an amendment to the development plan that incorporates the special exception use.*

- (e) *Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room may be installed under the guidelines contained in Sec. 59-A-6.14.*

The project includes a clubhouse and pool, open play areas and tot lots for the use of the residents.

Section 59-C-7.14 Density of Residential Development

The application requests the PD-11 zone, which is in the Medium Density Category and permits up to 11 dwelling units per acre, not including the bonus density associated with MPDUs.

Section C-7.15 Compatibility

(a) *All uses must achieve the purposes set forth in section 59-C-7.11 and be compatible with the other uses proposed for the planned development and with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.*

(b) *In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:*

(1) *No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and*

(2) *No building can be constructed to a height greater than its distance from such adjoining land.*

(c) *A waiver of the requirement of paragraph (b) (1), may be permitted if:*

(1) *The area master plan recommends other than a one-family detached use for the property immediately adjoining the area where the waiver is to occur; and*

(2) *The immediately adjoining property will not be adversely affected by the waiver for present or future use.*

(d) *A waiver of subsection (b) may be permitted if:*

(1) *The Property is within or in close proximity to a central business district or transit station development area and reduced setbacks are recommended by the master or sector plan, and the Planning Board finds that the reduced setbacks are compatible with existing or proposed*

*development in the adjoining or confronting one-family detached zones;
or*

(2) The Property is within or in close proximity to a historic district and the Planning Board reuse, or redevelopment of a designated historic district and the immediately adjoining property will not be adversely affected by the waiver.

(3) The maximum building height under this waiver must not exceed 50 feet.

(e) Compliance with these requirements does not, by itself, create a presumption of compatibility.

The proposed planned development of the Subject Property complies with and implements the Clarksburg Master Plan and, therefore, is compatible with the future land uses proposed for the Transit Corridor District. It also provides appropriate setbacks between proposed residential structures and the adjacent R-200 Zoned land to the east and the I-3 Zoned land to the west. Observation Drive, an arterial highway (A19), and the future Transitway, separate the Subject Property from the adjacent R-200 land to the east. The Transitway is proposed within a 150-foot right-of-way. The centerline of future Observation Drive coincides with the Subject Property's eastern property line. All of the residential buildings along Observation Drive on the Subject Property are shown with a minimum, twenty foot setback from Observation Drive. Accordingly, no multi-family or attached single-family building is located closer than 100 feet from the adjacent R-200 Zoned land. The residential buildings in the western portion of the property are separated from the adjacent I-3 Zoned area by a substantial forested buffer.

Neither the four story multi-family nor the attached residences will be higher than their respective distance from the adjacent R-200 Zoned land. The applicant has presented height as two variables:

1. the building structure height and
2. the zoning ordinance definition of height.

The building structure height is the height of the building from the floor of the first above-grade level to the mid-point of the roof. This building structure height is then added to the grade conditions on-site to comport with the zoning ordinance definition of "height of building." In order to create standards that are to be applied at a later juncture by MNCPPC Staff and the Planning Board, and to limit development in accordance with the proposed development plan, the applicant has set forth a not to exceed height figure, calculated in accordance with the zoning ordinance, that adds the anticipated worst grade conditions, 12 feet, to the building structure height. This results in the number of feet that a building cannot exceed, taking into account the structure itself and the topography that exists on the site.

ZONING ORDINANCE HEIGHT		
The height as measured by the Zoning Ordinance. This is the Building Structure Height plus the grade dependent height of centerline of street to floor of the first above-grade level.		
Single Family Detached	<i>Stories</i>	2 or 3
	<i>Typical</i>	32'
	<i>Not to Exceed</i>	41'
Single Family Attached [Townhome]	<i>Stories</i>	3 or 4
	<i>Typical</i>	43'
	<i>Not to Exceed</i>	52'
Single Family Attached [2/2]	<i>Stories</i>	4
	<i>Typical</i>	54'
	<i>Not to Exceed</i>	63'
Multifamily	<i>Stories</i>	4
	<i>Typical</i>	55'
	<i>Not to Exceed</i>	64'
Clubhouse	<i>Stories</i>	1 or 2
	<i>Not to Exceed</i>	36'

The heights of the structures, irrespective of the grade conditions, are as follows:

BUILDING STRUCTURE HEIGHT	
The height of the building from the floor of the first above-grade level to the mid-point of the roof. This does not represent height as calculated in the zoning ordinance.	
	<i>Not to Exceed</i>
Single Family Detached	29'
Single Family Attached [Townhome]	40'
Single Family Attached [2/2]	51'
Multifamily	52'
Clubhouse	24'

Section C-7.16 Green Area

Section 59-C-7.16 of the Zoning Ordinance requires that at least 50% of the gross area of a PD-11 planned development be provided as green area. The Subject Property contains 37.18 gross acres, fifty percent (50%) of which is 18.59 acres. The Development Plan for the Subject Property provides 18.80 acres of green area, slightly exceeding the 50% requirement.

Section C-7.17 Dedication of Land for Public Use

Section 59-C-7.17 of the Zoning Ordinance requires the identification of land to be dedicated for public use. During the subdivision process, the developers of the proposed planned community will dedicate the land necessary for the widening of Shawnee Lane and construct that portion of Observation Drive that is within the boundaries of the Subject Property. Observation Drive straddles the property line between the Subject Property and the several properties to the east. It is planned so that the centerline of Observation Drive will correspond with the Subject Property’s eastern property line. Both dedications are reflected on the Revised Development Plan.

Section C-7.18 Parking Facilities

Off-street parking must be provided in accordance with the requirements of article 59-E.

Garnklrk Farms Parking Tabulations						
Required			Provided			
Unit Type	Dwelling Units	Required Parking		Garage	On-Lot	Total
Single Family Attached Townhomes (TH)	141	282	TH	282	282	564
Single Family Attached (2/2s)	62	124	2/2s	62	62	124
Single Family Detached (SFD)	21	42	SFD	42	34	76
Multi-family	184	254	Multi-family	289	0	289
1 Bedroom x 1.25 sp	90	113	Subtotal	675	378	1053
2 Bedroom x 1.50 sp	94	141				
			On Private Street/Alleys			136
Total Parking Required		702	Total Parking Provided			1189
			On Public Street (60' ROW only)			67
			Total Parking Provided including Public Streets			1256

Section C-7.19 Procedure for application and approval

(a) Application and development plan approval must be in accordance with the provisions of division 59-D-1.

(b) Property plans must be submitted and approved in accordance with the provisions of division 59-D-3.

The Application and the Revised Development Plan have been submitted in accordance with the provisions of division 59-D-1. A Site Plan will be filed following approval of the reclassification

of the Subject Property to the PD-11 Zone, in accordance with the provisions of division 59-D-3 of the Zoning Ordinance.

DEVELOPMENT PLAN FINDINGS

Section 59-D-1.61 of the Zoning Ordinance provides that the District Council must make specific findings, in determining whether the application and development plan fulfill the purposes and requirements of the zone. These findings are as follows:

- (a) *That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.*

The application is in full compliance with the Master Plan. The Master Plan designates the property as a residential center, and recommends a zoning classification of PD-9 to PD-11. Right of way for Observation Drive and Shawnee Lane is recommended in the Master Plan and is provided for by this Development Plan.

- (b) *That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.*

The Development Plan provides for the location of homes along a central, spine road connecting to Shawnee Lane and interconnecting to Observation Drive. These homes are separated and buffered from the employment areas (that include larger scale buildings) to the west and north by the retention of extensive forested area. To the east the proposed development is separated from the adjacent relatively open, low-density residential area by a 150-foot right of way proposed by Observation Drive and the Transitway facility. To the south the development will be compatible in terms of density and variety of unit type with the recently approved Eastside project. A variety of recreational facilities from facilities as large as the clubhouse and pool down to an intimate seating areas are provided throughout the community, distributed in a fashion so that they are convenient to the residents.

- (c) *That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.*

The internal street, vehicular, and pedestrian circulation systems have been designed to provide clear drive aisles, separate sidewalks, and access to gathering spaces. The main drive within the community provides a centralized road that connects to a number of public and private streets at various points along its length. The private streets meet the Montgomery County Fire and Rescue Services standards for ensuring emergency access. Parking spaces are provided in convenient locations adjacent to major recreation facilities. A separate traffic study is provided for a more complete analysis.

- (d) *That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the Property. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of Property plan approval as provided in division 59-D-3.*

The Development Plan preserves a considerable amount of existing forest and natural features of the Property. In addition to preserving significant trees and forest, the Development Plan proposes multiple stormwater management measures, shared in a comprehensive manner, to provide quality and quantity control of runoff and prevent erosion. Finally, all forest conservation and water resource protection requirements are met under the Revised Development Plan.

Streets, Highway and Transit

The Subject Property will have access to both Shawnee Lane and the future Observation Drive. A transit stop, proposed by the Clarksburg Master Plan, will be located close to the Subject Property, possibly at locations near the Shawnee Lane or the Observation Drive entry to the Subject Property. The highway system that serves the Subject Property, with the improvements proposed, will have adequate capacity. A complete analysis of traffic and transportation impacts is found in the revised study prepared by Street Traffic Studies for this rezoning application.

Schools

The Subject Property is in the Damascus High School Cluster. The following table details the student population that will be generated by the development of the Subject Property. Based on the Annual Growth Policy School Capacity Test criteria, we conclude that there is adequate capacity in the Damascus Cluster to accommodate the student population generated by the proposed PD- 11 project. The following table is based on MCPS student generation rates for the North part of the county provided on September 28, 2004 and again on December 2, 2005 by Bruce Crispell of MCPS Department of Planning and Capital Programming.

Elementary School

Housing Type	Per Unit Student generation factor (Per MCPS)	Number of dwelling units proposed	Total number of Elementary School students
Multi-family	0.130	184	23.92
Attached ²	0.279	203	56.64
Detached	0.415	21	8.72

Middle School

Housing Type	Per Unit Student	Number of	Total number of
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² Attached dwellings include both traditional townhomes and two-over-two attached single-family dwellings.

	generation factor (Per MCPS)	dwelling units proposed	Middle School students
Multi-family	0.057	184	10.49
Attached	0.093	203	18.88
Detached	0.246	21	5.17

High School

Housing Type	Per Unit Student generation factor (Per MCPS)	Number of dwelling units proposed	Total number of High School students
Multi-family	0.056	184	10.30
Attached	0.105	203	20.3
Detached	0.153	21	3.21

Total number of students generated for Grades K through 12

Housing Type	Per Unit Student generation factor (Per MCPS)	Number of dwelling units proposed	Total number of Students generated
Multi-family	0.243	184	44.71
Attached	0.477	203	96.83
Detached	0.814	21	17.09

As of the date of this Supplemental Report, the 2003-2005 Annual Growth Policy – Policy Element (“AGP”) adopted by the County Council in October 2003 (Resolution 15-375) remains in effect due to the fact that the County Council failed to adopt the 2005-2007 Growth Policy at its November 15, 2005 regular meeting.³ The 2003-2005 Annual Growth Policy required the Montgomery County Planning Board to assess school capacity adequacy for FY 2006. The Planning Board made that assessment and school capacity was assessed again for FY 07. On June 22, 2006 the Planning Board’s staff, in a memorandum to the Planning Board, stated, “we endorse the findings that there are no clusters where subdivisions should be subject to either the school facilities payment or to a moratorium.” The Planning Board staff further stated, “According to the analysis, enrollment does not exceed 105 percent of capacity in any cluster at the elementary school or middle school level. At the high school level, there are two clusters where enrollment exceeds 100 percent of capacity: Blake and Wooton. For each of these clusters, however, there is an adjacent cluster with sufficient excess capacity so that the growth policy test result is ‘adequate’. Accordingly, we conclude that capacity exists in the Damascus cluster to accommodate the student population generated by the proposed development, at the elementary, middle school and high school level, and that the Growth Policy’s definition of “adequate” is satisfied.

³ A Resolution to adopt the 2005-2007 Growth Policy was introduced before the County Council on November 15, 2005. A motion to adopt the Growth Policy was defeated by a vote of 5 to 4, leaving Resolution No. 15-375 as the governing Growth Policy.

The adopted Growth Policy required that the Planning Board develop a chart depicting the enrollment projections and capacity analysis for each school cluster. That chart for FY 2007 was transmitted to the Planning Board on June 22, 2006 from its staff. The required adequacy test in the Growth Policy presumes that an elementary school has adequate capacity if enrollment is at or below 105% of capacity. According to the chart for FY 2007, the elementary school enrollment in the Damascus Cluster for the September 2011 enrollment period is 1,955 students. The projected elementary school enrollment to be generated by the proposed PD-11 development is 89.28. The projected Damascus Cluster enrollment, after the proposed PD-11 development of the Subject Property, will be 2,044 students. 105% of the Growth Policy capacity for the Damascus cluster is an enrollment of 2,886 students. Therefore, adequate capacity exists at the elementary school level to accommodate the projected number of students generated by the proposed PD-11 development of the Subject Property.

According to the chart for FY 2007, the middle school enrollment in the Damascus Cluster for the September 2011 enrollment period is 987 students. The projected middle school enrollment to be generated by the proposed PD-11 development is 35. The projected Damascus Cluster enrollment, after the proposed PD-11 development of the Subject Property, will be 1,022 students. 105% of the Growth Policy capacity for the Damascus cluster is an enrollment of 1,134 students. Therefore, adequate capacity exists at the middle school level to accommodate the projected number of students generated by the proposed PD-11 development of the Subject Property.

According to the chart for FY 2007, the high school enrollment in the Damascus Cluster for the September 2011 enrollment period is 1,480 students. The projected high school enrollment to be generated by the proposed PD-11 development is 159 students. The projected Damascus Cluster enrollment, after the proposed PD-11 development of the Subject Property, will be 1,639 students. 100% of the Growth Policy capacity for the Damascus cluster is an enrollment of 1,688 students. Therefore, adequate capacity exists at the high school level to accommodate the projected number of students generated by the proposed PD-11 development of the Subject Property.

Accordingly, we conclude that the proposed reclassification will not have an adverse impact on the public school system and that the students that will be generated by the proposed development can be accommodated within the Damascus cluster.

Water & Sewer

The area in which the Subject Property is located is classified in Water Service Category W-1 and Sewer Service Category S-3 pursuant to the February 2001 amendment to the County's Comprehensive Water Supply and Sewerage Systems Plan (Resolution No. 14-772). Both public water and sewer must be extended to serve the property. The Clarksburg Master Plan specifically recommends the extension of service to include the Subject Property within the water supply and sewer service envelope. (Clarksburg Master Plan pp. 200-203). A more detailed analysis of the technical aspects of providing water supply and sewerage systems service to the Subject Property may be found in the Engineering Report prepared by CPJ.

Public safety

Public safety services are adequate. Fire and Rescue Services are available to serve the Subject Property from the Hyattstown Fire Station located at 25801 Frederick Road and the new Clarksburg Fire Station, station #35, located in the Gateway Center Business Park, just off Route 121, Clarksburg Road. The Subject Property is located in the 5th police district, the Germantown District. The 5th District substation of the Montgomery County Police is located at 20000 Aircraft Drive, Germantown 20874.

Based on the above, we conclude that the proposed development will be served by adequate public facilities and its approval would be in the public interest.

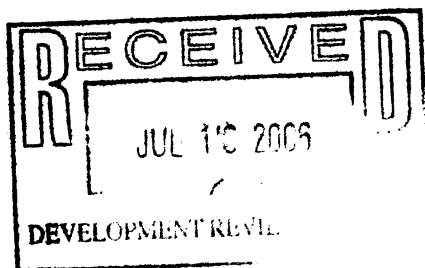
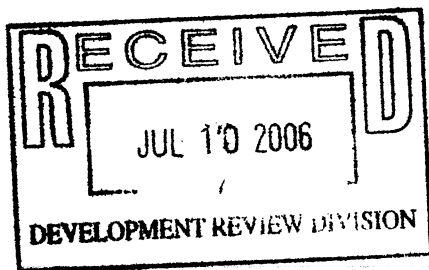
IV. Conclusion

This application seeks to reclassify two recorded parcels of land from the R-200 to the PD-11 Zone. The proposed reclassification satisfies the purpose clause of the PD Zone and is consistent with the Approved and Adopted Clarksburg Master Plan. The proposed development will be compatible with the existing and planned development, as well as the uses in the surrounding area, and will be served by adequate public facilities. The approval of the reclassification of the Subject Property from the R-200 zone to the PD-11 Zone is in the public interest and should be approved.

Prepared by:
Philip E. Perrine, AICP
PERRINE PLANNING & ZONING, INC.

**GARNKIRK FARMS
Clarksburg, Maryland**

**SUPPLEMENTAL
ENGINEERING REPORT
July 7, 2006**



**PREPARED BY
Charles P. Johnson Associates
Planners and Engineers**

INDEX

I.	Introduction	1
II.	Special Protection Area Requirements	1
III.	Physical Characteristics.....	2
IV.	Public Utilities & Easements	3
	Water & Sewer	3
V.	Stormwater Management & Sediment Control	4
VI.	Forest Conservation Requirements.....	4
VII.	Preliminary Forest Conservation Plan.....	5
VII.	Conclusion.....	5

Appendix

1. Water Quality Concept Plan Computations (revision)
2. Preliminary Water Quality Plan
3. Sediment Control Concept Computations
4. Sediment Control Plan

I. Introduction

Ralph J. Duffie, Inc. (“Duffie”) has filed an application for a Local Map Amendment (“LMA”) to the Montgomery County Zoning Ordinance requesting the reclassification of Lots 27 and 28, Garnkirk Farms Subdivision from the R-200 (Residential, one-family) Zone to the PD-11 (Planned Development) Zone. Charles P. Johnson & Associates (“CPJ”) was engaged by Duffie to provide engineering services in cooperation with other consultants in connection with its LMA application. CPJ has conducted several studies and has analyzed the engineering aspects of the proposed PD development. This report contains the result of that analysis and it supersedes the engineering report that was included in the initial Planning and Engineering Report prepared by CPJ.

II. Special Protection Area Requirements

The area in which the Subject Property is located, having been designated a Special Protection Area by the Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area (the “Clarksburg Master Plan”), is subject to the requirements of Chapter 19, Article V of the Montgomery County Code. Therefore, the submission of a Preliminary Water Quality Plan to the Department of Permitting Services (“DPS”) is required, and that Plan is reviewed contemporaneously by the Planning Board and its staff.

The privately owned Subject Property is not exempt from the Water Quality Plan submission requirements because the proposed impervious area of the development will exceed 8% of the Subject Property’s total land area. However, none of the applicable County plans and policies, including the Clarksburg Master Plan, the County’s Ten Year Comprehensive Water Supply and Sewerage Systems Plan, the Tree Technical Manual, and the Environmental Guidelines include a specific impervious level for the development of the Subject Property in the Clarksburg area.

A Preliminary Water Quality Plan requires the submission of an application to the Planning Board for review and approval, in conjunction with the Planning Board and staff review process for the PD-11 Development Plan that is required by Division 59-D-1 of the Zoning Ordinance. Because the approval of this PD-11 project also entails site plan review and resubdivision, a Final Water Quality Plan is not required at the zoning stage of the development approval process. (See §19-65 (b) of the County Code)

The Preliminary Water Quality Plan submitted for concurrent review by the Planning Board and its staff and the Department of Permitting Services is included as an appendix to this Supplemental Engineering Report. The Appendix includes the following documents:

- (1) Preliminary Water Quality Plan;
- (2) Sediment control concept plan;
- (3) Documentation showing avoidance or minimization of impacts on environmentally sensitive areas and priority forest conservation areas as

- specified in the Planning Board's Environmental Guidelines, and an analysis of available alternatives (Included on Preliminary Forest Conservation Plan);
- (4) Preliminary plan describing the proposed development which minimizes impervious area (depicted on the Revised Development Plan); and
 - (5) All of the other information required by Division V G 4. of the Environmental Guidelines is included. In addition all requirements of the approved Trees “technical manual” will be followed.

A major portion of the Clarksburg Planning Area, east of Interstate I-270, is included in the Special Protection Area even though it is recommended for intensive development. The Master Plan contemplates that adherence to the guidelines for Special Protection Areas will result in a balance between protection of the environment and development at master planned densities. Accordingly, the Environmental Planning Division of M-NCPPC and the Department of Permitting Services assure the applicant’s compliance with applicable environmental guidelines during their review of the preliminary water quality plan and sediment control facilities.

By following those plans, and the guidelines governing those plans, the proposed PD-11 development of the Subject Property will be accomplished with substantially reduced impact to the streams and natural features. Required setbacks will be maintained, sediment control will be employed during construction, and stream quality will be monitored.

The Water Quality plan uses a combination of best management practices (BMP’s) that are expected to control stormwater runoff, provide redundant water quality control, and provide groundwater recharge. The water quality facilities are linked to each other where feasible to create a series of stormwater ‘treatment trains’ throughout the site. Linking these facilities maximizes the treatment capability of the overall water quality system for the site by providing redundancy in the way the stormwater runoff is treated. Components of these segments include: surface sand filter facilities; underground stormfilters; recharge structures; and structural pre-treatment manholes.

Water Quantity control will be provided by dividing the site into three (3) drainage areas. Underground storage pipe systems will be constructed for water quantity control. All water quantity control structures will be sized to control the one-year storm (Channel Protection Volume, CPv) with a maximum detention time of 12 hours, per the 2000 MDE manual. Water will be conveyed to the storage systems via the storm drain system.

III. Physical characteristics

The majority of the Clarksburg area, including the Subject Property, is in the Little Seneca Creek watershed where the water quality of the streams is good to excellent (Clarksburg Master Plan p. 141). The streams in this watershed are classified as Use Class IV and IV-P, which means that they are recreational trout streams and suitable for water supply

usage. There are no streams or 100-year flood plains located on the 37.18-acre Subject Property, which is relatively flat with a gently rising topography and few slopes in excess of 15%. The average slope of the property is approximately 8% to 15%. The classification of the soils found on the Subject Property and an analysis of the soils characteristic are shown on the following table, reproduced from the Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) that was approved on September 10, 2003 and re-certified on - November 28, 2005.

Symbol	Soil	Slope	Erodability
6a	Bail silt loam	0-3%	Slight
16B	Brinklow-Blocktown Channery Silt Loam	3-8%	Slight
16C	Brinklow-Blocktown Channery Silt Loams	8-15%	Moderate
16D	Brinklow-Blocktown Channery Silt Loam	15-25%	Severe
17B	Occoquan Loam	3-8%	Slight
17C	Occoquan Loam	8-15%	Moderate

The soil characteristics indicate that the Subject Property is suitable for the proposed development. (See also Chapter 2 of the 1999 – 2008 Ten Year Comprehensive Water Supply and Sewerage Systems Plan.) These soils are typically moderately deep to deep and are generally of moderate erosion potential.

IV. Public Utilities & Easements

All public utilities, including natural gas, electric, cable television and telephone service are currently available in the vicinity of the Subject Property. In order to assure that all such services may be extended to serve the proposed development, the Applicant will be required, as part of either the subdivision or site plan review, to dedicate public utilities easements along confronting roadways and through such common areas as will be designated by the utilities.

Water and Sewer

The 1999 – 2008 Ten Year Comprehensive Water Supply and Sewerage Systems Plan (the “Water & Sewer Plan”) locates the Subject Property along the I-270 Corridor, one of the County’s “Smart Growth” areas delineated in the Water & Sewer Plan. The Water & Sewer Plan classifies the Subject Property in Water Service Category W-1 and in Sewer Service Category S-3 to which it was comprehensively reclassified in February 2001 by a County government initiated amendment to the Water & Sewer Plan (Resolution No. 14-772).

While a 12-inch water line is located within the right-of-way of Shawnee Lane, both public water and sewer must be extended to serve the Subject Property. The Clarksburg Master Plan specifically recommends the extension of water and sewer service to accommodate the Planned Unit Development of the Subject Property. A Hydraulic Planning

Review of Garnkirk Farms was approved by the WSSC on February 28, 2006. The project has been given WSSC job number of DA4361Z06.

V. Storm Water Management & Sediment Control

A Preliminary Water Quality Plan was submitted to the Department of Permitting Service for review and approval in July 2005, and has been subsequently revised in accordance with the Department's comments, and resubmitted on December 13, 2005.

The Planning Board denied the preliminary water quality plan during the March 23, 2006 hearing. As a result of that denial, the layout of the site has been substantially revised, and a preliminary water quality plan and sediment control plan reflective of the new site layout were submitted to the Department of Permitting Services on May 26, 2006. The applicant and members of the CPJ engineering team, on June 20, 2006, met with Leo Galanko and Rick Brush of the Department of Permitting Services Water Resources Plan Review Division, to review the plan and address their preliminary comments. A revised plan comporting with Staff comments was submitted to the Department of Permitting Services on June 23, 2006.

The storm water management facilities are depicted on the Revised Development Plan and will be engineered to meet all applicable State and County requirements. The quantity and quality of storm water will be controlled on-site using facilities that are designed and engineered in accordance with an approved Preliminary Water Quality Plan. All sediment control requirements will be followed. Both the Department of Permitting Service and Planning Board will establish site-specific requirements for storm water management and sediment control when the Preliminary Water Quality Plan is approved.

VI. Forest conservation requirements

A Natural Resources Inventory was submitted to and approved by The Maryland-National Capital Park and Planning Commission on September 10, 2003, and recertified on November 28, 2005. The Subject Property contains no 100-year floodplain, or other natural resources. A small "pocket" of wetlands has been identified in the extreme Northeastern corner of the property, within an area that is part of the master planned right-of-way for Observation Drive. This area is so small that it is not calculated in the table included as part of the approved NRI/FSD. No rare, threatened, or endangered species were identified on the site.

The entire 37.18-acre tract is forested. The required aforestation threshold is 15% and the required conservation threshold is 20% of the net tract area pursuant to Section 22A-12 (f) of the County Code. Because the PD-11 Zone is a Planned Development Zone, on-site forest retention must equal the applicable 20% conservation threshold. "Net tract area" is defined in Chapter 22A of the County Code to mean: "The total area of a tract, including both forested and unforested areas, to the nearest 1/10 acre, reduced by road or utility rights-of-way which

will not be improved as part of the development application.” The total tract area of 37.18 acres is reduced for the purpose of calculating forest retention requirements by the 0.35 acres of land to be dedicated for roads and public utilities. Accordingly the “net tract area” of the Subject Property is 36.83 acres.

Therefore, at least 7.37 acres of retained forest must be on site under Section 22A-12 (f)(2)(B) of the County Code. The Revised Development Plan and the Preliminary Forest Conservation Plan both reflect that 7.39 acres of forest will be retained, slightly exceeding the twenty percent County Code requirement.

0.61 acres of the Subject Property are within the Stream Valley Buffer. None of the proposed building will encroach into the Stream Valley Buffer. However, as is the case with the small wetlands area, the right-of-way for Observation Drive as it proceeds northward to connect with the now constructed Observation Drive within Gateway Commons, is located within the Stream Valley Buffer both on-site and off-site.

VII. Preliminary Forest Conservation Plan

The Subject Property contains 37.18 gross acres of forest, of which 0.61 acres is in the Stream Valley Buffer at the extreme northeastern corner of the property, and is classified as “priority forest.” Just shy of twenty-eight and one-half acres (28.42 acres) of the site are above the afforestation threshold and no afforestation will be required. The total area to be cleared for development is 29.32 acres and 7.39 acres of forest will be retained, exceeding the 7.37 acres of forest retention required for a planned development by Chapter 22A of the County Code. Once all credits are applied, as depicted on the chart that is included with the Preliminary Forest Conservation Plan, an additional 5.84 acres of reforestation will be provided off-site. In all respects, all of the applicable provisions of Chapter 22A of the County Code will be satisfied.

VIII. Conclusion

The development proposed by the Revised Development Plan will meet or exceed the stormwater management requirements for development in a Special Protection Area and both pre construction and subsequent monitoring will assure continued compliance. Appropriate Sediment Control practices during construction will assure that land disturbance activities do not adversely affect the area. Both on-site forest retention and off-site reforestation will provide the required ratio of forested area and mitigate the impacts of development required tree removal. Following completion of development, retained forest and Stream Valley Buffer areas will be placed in a Category I Forest Conservation Easement. This Easement will assure that these areas are perpetually protected in their natural state.

The proposed development of the Subject Property will be served by all necessary public utilities, including, but not limited to public water and sewer. As stated in the Supplemental Planning Report fire and rescue, as well as police, services are adequate and located within reasonable proximity to the Subject Property.

Based on the above analysis CPJ concludes that the reclassification of the Subject Property to the PD-11 Zone is in the public interest and that the ensuing development is appropriate from an engineering perspective.

Prepared by:
David O'Bryan, P.E.
CHARLES P. JOHNSON ASSOCIATES