



MAR 25 2010

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-20
Site Plan No. 82003002D
Project Name: Clarksburg Village - Phase 1
Hearing Date: March 18, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on July 31, 2003, Site Plan No. 820030020, Clarksburg Village - Phase I was approved for the construction of 471 single-family dwelling units and 414 townhouse units (including 44 MPDU's townhouse units and 48 MPDU multi-family homes), and the acquisition of 144 TDR's in the R-200 and R-200/TDR-3 zones;

WHEREAS, on June 29, 2006, the Planning Board held a hearing on Site Plans 820030020 and 82003002A for six non-compliance items associated with the Phase I Site Plan and directed staff to determine an appropriate Compliance Program. The Phase - I Site Plan also increased by 30 acres;

WHEREAS, on March 22, 2007, the Planning Board approved Site Plan Amendment No. 82003002B, which calls for modifications to the original site plan in accordance with the Plan of Compliance, which was approved July 27, 2006;

WHEREAS, on June 13, 2008, the Planning Board approved Site Plan Amendment No. 82003002C ("Amendment") for modifications to the entry monuments, installation of a stone retaining wall, and modifications to the Landscape Plans; and

Approved as to
Legal Sufficiency:
M-NCPPC Legal Department

WHEREAS, on December 7, 2009, Clarksburg Village Investments, Inc. ("Applicant"), filed a site plan amendment application designated Site Plan Amendment No. 82003002D for approval of the following modifications:

1. Modify the approved conditions 5, 9, 15c.1, 15c.3, 15d.1, 15d.3, and 15e;
2. Add proposed conditions regarding the construction phasing of the Greenway Trail and Fire Marshall approval of grass ring pavers;
3. Remove monuments A, B and C; and
4. Remove specified grass ring pavers.

WHEREAS, following review and analysis of the Amendment by Planning Board Staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated March 8, 2010 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on March 18, 2010, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59 ("Zoning"), the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby APPROVES the Site Plan No. 82003002D. The following conditions will supersede the respective conditions of the pervious approval:

5. Streetscape
Provide large street trees at a minimum spacing of 40 feet on center and a maximum spacing of 50 feet on center, except where physical site improvements do not allow for the spacing. Any deviation from the minimum standards needs to be approved in writing by DPS, DOT, and M-NCPPC, if the spacing fails to meet minimum standards due to physical site improvements. If necessary to accommodate public rights-of-way, the applicant may adjust street lights, signs, and utilities without further site-plan review when relocating street trees. Documentations of the field adjustments must be provided in writing to MNCPPC for the public record. The size and species of street trees must be consistent with the approved certified site plan.
9. Transferable Density Rights (TDR's)
Prior to the issuance of any building permit for Blocks T, and V, the Applicant shall provide verification that all of the required 379 Transferable Density Rights (TDR's) are available for all phases of the proposed development, including 145 TDR's for Phase I.

11. Fire and Rescue

The final location of grass pavers (or equivalent) will be approved, in writing, by the Fire Marshall. Any modifications to grass pavers (per any comments from the Fire Marshall) shall be shown on the Certified Site Plan in accordance with Fire Marshall approval.

15c.1. Local Recreational Facilities

The recreational facilities in Blocks O, P, and U including the two tot lots and multi-age play area shall be completed prior to the release of the 155th building permit (this number represents 70 percent of 221 units located in these three blocks). The four seating areas shall be completed immediately after construction of all units located on either side of, or adjacent to the seating areas/mews, but no later than six (6) months after the occupancy of all units adjacent to the seating areas/mews.

15c.3. The recreation facilities in Block T, V, and S including the multi-age play area, open play area, and four seating areas shall be completed prior to the release of the 181st building permit (this number represents 90 percent of the 201 units located in these blocks).

15d.1. Unless otherwise stated in these conditions, all Community-wide Recreational Facilities shall be completed prior to the issuance of the 876th building permit (this represents 90 percent of the 973 units in Phase I).

The Community-Wide facilities in Blocks O, P, and U, including the pool, pool house and community center shall be completed prior to the issuance of the 155th building permit (this number represents 70 percent of the 221 units located in these blocks). This Amendment D recognizes the completion of these facilities. The 16' x 16' picnic shelter located in Block U (adjacent to the SWM Parcel Q) will be constructed prior to the release of the 876th building permit (this number represents 90 percent of the 973 total units for the Phase I).

15d.3. Community-Wide and Local Facilities in Blocks T, V, and S, including the 16' x 16' picnic shelter, sitting area, and open play area, shall be completed prior to the release of the 181st building permit for these blocks or not later than 90 days after the construction of the adjacent HOA trail, whichever comes first (this number represents 90 percent of the 201 units located in these three blocks).

15e. The stamped concrete path, on-site landscaping and lighting in Blocks S, T, and V shall be completed prior to the issuance of the 181st building permit

(this number represents 90 percent of the 201 units located in these three blocks).

- 15d.4. The section of Greenway Trail from Foreman Boulevard to Grand Elm Street at its intersection with Bent Arrow Drive shall be completed concurrently with the paving of Foreman Boulevard from Turtle Rock Terrace to the intersection of Foreman Boulevard and the Greenway Trail. This section includes the primary 8' wide Clarksburg Greenway Trail, as well as the connector trail to Grand Elm Street and the connector trail to Blue Sky Drive. This section of Trail, from Foreman Boulevard to the Greenway Trail, will also include the connector trail, which shall be sufficiently wide to accommodate park maintenance vehicles. Public Use Trail Easements shall be established over all HOA-owned connector trails to allow public access to the parkland and Greenway Trail.

The Greenway Trail section from Stringtown Road to the connector trail accessing Grand Elm Street at Bent Arrow Drive must be initiated within 120 days after the Stringtown Road Improvements required of Town Center are completed. This trail section shall be completed within 210 days after this work is initiated.

The trail section from Foreman Boulevard to Horseshoe Bend Circle shall be completed concurrently with the completion of the following units: 14/V-18/V, and the units contained within Parcels B and C, Block V. If these units are completed in the winter, the trail connection in this block must be initiated within 120 days of their completion and the trail section completed within 150 days after work is initiated. After base paving Horseshoe Bend Circle, the applicant shall place "Future Greenway Trail" signs at the trail termination at this location in the V Block.

Both the trail connection adjacent to lots 35/V and 36/V, and the stormwater management facility, will be completed after the sediment control facility is converted to a stormwater management facility. After base paving Horseshoe Bend Circle, the applicant shall place "Future Greenway Trail" signs at the trail termination at this location in the V Block.

The Greenway Trail connection from the V Block in Phase I through the Bradley Property or through the alternate trail alignment to Little Seneca Parkway in Phase II shall be constructed concurrently with construction of Little Seneca Parkway in Phase II.

The parcels of land within which the trail sections are to be completed must be transferred to M-NCPPC upon completion of each applicable trail sections.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is MAR 25 2010 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with Commissioners Hanson, Wells-Harley, Alfandre, and Presley voting in favor of the motion, and with Commissioner Dreyfuss absent, at its regular meeting held on Thursday, March 18, 2010, in Silver Spring, Maryland.



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