



JUN 15 2010

# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-58  
Project Plan No. 91994004C  
Project Name: Clarksburg Town Center  
Hearing Date: May 27, 2010

## RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved Project plans; and

WHEREAS, on December, 2008 (Resolution dated July 16, 2009), Project Plan No. 91994004B, Clarksburg Town Center was approved for a maximum of 1,213 residential units and 194,720 gross square feet of commercial development, to be constructed in phases, on 270 gross acres in the RMX-2 and RDT zones;

WHEREAS, on May 27, 2010, the Planning Board held a hearing on Project Plan 91994004C for the correction and clarification of the unit mix and unit count, corrections to the data table and modifications to conditions 1 (a) and 6 (d); and

WHEREAS, on May 27, 2010, the Planning Board discussed the modification to Condition 6(d) and decided not to make any modifications to the condition based upon opposition from the community regarding the disbursement and management of funds relating specifically to the extension of Clarksburg Square Road; and

WHEREAS, on May 27, 2010, the Planning Board approved Project Plan Amendment No. 91994004C approved modifications to the original project plan in accordance with the approved Project Plan and Plan of Compliance, which was approved July 27, 2006; and

WHEREAS, on April 7, 2010, NNPII Clarksburg LLC ("Applicant"), filed a project plan amendment application designated Project Plan Amendment No. 91994004C for approval of the following modifications:

1. To correct and clarify the unit mix and unit count in the approval and data table to indicate the following modifications.
  - a. Revise Condition 1a to replace 1,213 residential dwelling units and 701 one-family attached units with 1,206 and 700, respectively;
  - b. Revise the Project Plan data table to reflect the following (The data table only includes the modified sections as a result of the inconsistencies):

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, N.W., Suite 1000, Washington, D.C. 20012 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

<b>Zoning Ordinance Development Standard</b>	<b>Original Approval with Site Plan 820070220</b>	<b>Development Standards Approved by the Planning Board and Binding on the Applicant</b>
<b>Area of Dedication (ac.):</b>		
Public Streets	34.67	42.73
Park (dedicated to M-NCPPC)	95.99	80.14
Total Dedication provided:	140.17	132.42 <sup>1</sup>
<b>Net Site Area (ac.):</b>	129.83	137.08
<b>Density:</b>		
Residential	6.90 d.u./ac. based upon 175.80 acres 1,213 dwelling units	6.86 d.u./ac. based upon 175.73 acres 1,206 dwelling units
<b>Number of Dwelling Units:</b>		
RMX-2 Zone (59-C-10.3.7)		
One-family detached	219	219
One-family attached (live/work units included)	656	700
Multi-family	338	287
Total number of units in the RMX-2 Zone	1,213	1,206
<b>Green Area (%):<sup>2</sup></b>		
Commercial portion	50%	47.2%
Residential portion	49%	52.1%
<b>Parking (Section 59-E)</b>		

<sup>1</sup> Total dedication includes 1.92 acres for School site for MCPS and 7.24 acres of school site for M-NCPPC.

<sup>2</sup> The Green Area was modified as a result of the dedications.

Total East Side Parking	1,456	1,495
<b>West Side</b>		
One-family attached (townhouse)	510 (255 d.u.'s @ 2 spaces/unit including garage)	504 (252 d.u.'s @ 2 spaces/unit including garage)
Multi-family	185 (110 du's @ 1.5 spaces/unit)	165 (110 du's @ 1.5 spaces/unit)
Live/Work	100 51 du's @ 2 spaces/unit	94 47 du's @ 2 spaces/unit
Retail <sup>3</sup>	695 139,700 sf @ 5 sp./1000 sf	746 149,180 sf @ 5 sp/1000 sf
Live/Work Retail	240 48,000 @ 5 sp/1000 sf	228 45,540 @ 5 sp/1000 sf
Total West Side Parking	1,789	1,775
Total Parking for Overall Development	3,284	3,270
Total Parking Provided	3,672	3,757
<b>Min. Unit Type Distribution (%):</b>		
One-family detached	18% (10-20 % Master Plan conformance)	18
One-family attached townhouses & Live/Work included	54% (30-50% Master Plan conformance)	58%
Multi-family	28% (25-45% Master Plan conformance)	24%

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 May 14, 2010 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on May 27, 2010, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

<sup>3</sup> The commercial square footage is reallocated but remains at 194,720 sf.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Project Plan No. 91994004C Clarksburg Town Center for a maximum of 194,720 gross square feet of commercial development, including 69,720 square feet of specialty retail; 1,206 residential units, including 12.5% MPDUs, consisting of 219 one-family detached units, 700 one-family attached units (includes live/work units) and 287 multi-family units, to be constructed in phases, on 270 gross acres in the RMX-2 and RDT zones. The modifications to the data table are consistent with the actions by the Board. Condition 6 (d) was not modified.

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 JUN 15 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).

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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 Wells-Harley, seconded by Dreyfuss, with Commissioners Hanson, Wells-Harley, and Dreyfuss voting in favor of the motion, and with Commissioners Alfandre and Presley absent, at its regular meeting held on Thursday, May 27, 2010, in Silver Spring, Maryland.

  
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Royce Hanson, Chairman  
Montgomery County Planning Board