

AUG 16 2010



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-77

Site Plan No. 820100040

Project Name: Clarksburg Village Phase 3

Date of Hearing: April 15, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on April 15, 2010, Clarksburg Village Center, LLC ("Applicant"), filed an application for approval of a final water quality plan and site plan for development of 100 age-restricted multi-family dwelling units, including 13 MPDUs, and 109,000 gross square feet of retail ("Site Plan" or "Plan") on 17.40 acres located on Newcut Road approximately 4,000 feet north of Frederick Road in the PD-4 zone ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820100040, Clarksburg Village Phase 3 (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 5, 2010, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on April 15, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 15, 2010, the Planning Board approved the Final Water Quality Application subject to conditions on the motion of Commissioner Wells-Harley and seconded by Commissioner Alfandre; with a vote of 4-0, Commissioners Alfandre, Dreyfuss, Hanson, and Wells-Harley voting in favor, Commissioner Presley being absent; and

Approved as to
Legal Sufficiency:

A handwritten signature in blue ink, appearing to read "Tracy G. Harter".

8787 Georgia Avenue, N.M.C.P.P.C. Legal Department 2010 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, on April 15, 2010, the Planning Board approved the Site Plan Application subject to conditions on the motion of Commissioner Alfandre and seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Alfandre, Dreyfus, Hanson, and Wells-Harley voting in favor, Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Final Water Quality Plan and Site Plan No. 820100040 for 100 age-restricted multi-family dwelling units, including 13 MPDUs, and 109,000 gross square feet of retail in the PD-4 zone on 17.40 acres; located on Newcut Road approximately 4,000 feet north of Frederick Road, subject to the following conditions:

Conformance with Previous Approvals

1. Development Plan Conformance

The proposed development must comply with the binding elements of the local area map amendments G-735 and G-784 and development plan amendments 04-3 and 05-1.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 12001030E, as amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, Local Area Transportation Review, and Department of Transportation conditions.

Environment

3. Forest Conservation

The proposed development must comply with the conditions of the approved final forest conservation plan received by M-NCPPC on March 31, 2010. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

4. Final Water Quality Plan

The proposed development is subject to the conditions as stated in the Department of Permitting Services letter dated December 22, 2009 approving the elements of the special protection area water quality plan under its purview.

Parks, Open Space, & Recreation

5. Recreation Facilities

- a. The Applicant must meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b. The Applicant must provide the following recreation facilities on site: an outdoor seating area, pedestrian connections to the adjacent sidewalk and trail system, and an indoor community space within the multi-family building.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, plantings, plazas, sidewalks, and seating areas.

Transportation & Circulation

7. Bike Lockers

Provide two inverted-U bike racks, or equivalent, proximate to the primary entrance (or midpoints of the building façade if there are multiple entrances) of each of the 9 proposed buildings. Capacity for 36 bicycles must be provided in total.

8. Pedestrian Circulation

- a. Provide a mid-block pedestrian connection across Snowden Farm Parkway at the intersection with the interior street as approved by DOT and DPS.
- b. Provide striped crosswalks from any handicapped parking spaces to accessible ramps wherever those parking spaces are separated from the building entrance by a drive aisle or street.
- c. On-site paving scoring and coloration may change due to commercial tenant requirements but may not be built of any material not shown on the certified site plan.

Density & Housing

9. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development must provide a minimum of 12.5% on-site in accordance with Chapter 25A of the Montgomery County Code. The Applicant is not receiving any density bonus for providing these MPDUs.
- b. The Applicant must obtain an agreement to build pertaining to the construction and staging of MPDUs from the Department of Housing and

Community Affairs (DHCA) prior to the issuance of any residential building permits.

- c. The final unit distribution and bed-rooms per unit for the MPDUs within the multi-family building must be approved by DHCA. Any resulting changes to the parking requirements must be accounted for on site.

10. Occupancy Provisions

The age-restricted housing must comply with the federal definition of "age restricted" housing and will be stipulated in the agreement to build approved and enforced by DHCA.

Site Plan

11. Architecture

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on sheets A-18 and A-19 of the submitted architectural drawings, as determined by M-NCPPC Development Review and Urban Design staff.

12. Landscaping

- a. Substitutions for particular varieties of plant material may be made per approval of M-NCPPC Development Review staff.
- b. All plantings, lighting, and amenities within stormwater management easements and Montgomery County rights-of-way are subject to final approval by the relevant permitting agency with the exception of the specified plant sizes shown on the applicable certified site plan(s). Changes to the landscaping and lighting within these areas will not require a site plan amendment.

13. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential and commercial development, as applicable.
- b. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- c. Illumination levels from on-site fixtures may not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- d. The height of the light poles shall not exceed 32 feet including the mounting base.

14. Landscape Surety

The Applicant must provide a surety (performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety must include plant material, on-site lighting, recreational facilities, and site furniture within the relevant area of development. Surety to be posted prior to issuance of first building permit and will be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings by area to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

15. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities, must be installed prior to release of each building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. Community-wide pedestrian pathways and recreation facilities, including perimeter sidewalks and crosswalks, must be completed prior to issuance of any commercial building permit.
- f. Landscaping associated with each parking lot and building must be completed as construction of each facility is completed.
- g. The development program must provide phasing of the indoor community space, dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

16. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency off all details and layout between site plan and landscape plan.
- e. Make minor corrections to layout and details as required by staff.
- f. Building envelopes for all of the buildings.

BE IT FURTHER RESOLVED, that all site development elements as shown on Clarksburg Village Phase 3 drawings stamped by the M-NCPPC on March 26, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the staff report, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

The site plan conforms to all binding elements of the development plan amendment (DPA) 05-1:

1. The age-restricted housing is limited to a maximum of 100 dwelling units.
2. The number of parking spaces provided for the age-restricted housing units meets the requirements of the zoning code.
3. The age-restricted housing must be built in a single phase according to the development program.
4. The building height of the age-restricted housing will be 4 to 5 stories with a maximum height of 55 feet above the finished grade of Arora Hills Drive.

5. The age-restricted housing must provide architectural design features presenting a compatible residential appearance on all sides as conditioned by the site plan approval.
 6. All 12.5% MPDUs must be provided on site.
2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed uses, age-restricted, multi-family residential units and commercial retail, are allowed in the PD-4 Zone if they are shown on an approved development plan; these uses were approved by DPA 05-1.

The site plan fulfills the purposes of the PD zones as detailed in the following outline.

- The 1994 Clarksburg Master Plan recommends that the subject site be rezoned to the PD-3 to PD-5 zones to help fulfill a vision of the “Newcut Road Neighborhood”. This recommendation, in turn, fulfills the wedges and corridors concept of the General Plan by locating higher density in self-sustainable core areas, especially those with eventual links to transit corridors such as the Corridor Cities Transitway. The zoning and unit mix utilizes the PD-4 zone standards to implement both the Sector Plan and the General Plan.
- The site design facilitates social interaction by locating multi-family and commercial uses at a central location with pedestrian connections and amenities provided throughout the site and by providing front doors directly on community sidewalks. The tight-knit nature of a development with this level of density will further create a sense of community. Because of the character of the site, which transitions from a variety of residential building types to retail services within a relatively small area, this community will have a distinct character and identity.
- There will be a minimum of two different unit types within the multi-family building. Because these are age-restricted units, a greater diversity of residential opportunities is provided within the neighborhood.
- Open space is provided over the minimum of 40% of the total site, which permits both active and passive recreation and a variety of spaces for social interaction. There are numerous open spaces, natural areas, trails, and recreation facilities within walking distance of the site
- Pedestrian circulation is provided throughout, connecting all of the open spaces and seating areas within the site. Further, these internal paths connect to the public sidewalks and provide access to off-site sidewalks that lead to neighborhood parks, trails, schools, and neighborhoods. Each of the buildings has direct access to this pedestrian circulation system.

- This site is part of a larger 1,060 acre tract that fulfills the purpose of the large-scale nature of planned developments.
- This site provides safe and convenient access to internal sidewalks, parking, and amenities as well as connections to adjacent and nearby amenities.
- This application establishes the comprehensive and systematic development of the county that was envisioned by the master plan; accomplishes the purposes of the zone, as outlined above; and, as conditioned by preliminary plan amendment 12001030E, is in substantial compliance with the Master Plan through the provision of additional unit types and commercial services, compatible building styles, and pedestrian-oriented sidewalk networks.
- The uses proposed are compatible with other uses in the vicinity as detailed in the finding for compatibility.

Project Data Table for the PD-4 Zone

Development Standard	Permitted/Required by DPA 05-1	Proposed for Approval
Density		
Age-Restricted Residential Units	100	100
Commercial (square feet)	109,000	109,000
Building Height (feet)¹		
Multi-Family	55	55
Commercial	Not specified	49
Building Setbacks (feet)²		
Public Right-of-Way	Not specified	10
From any Adjacent Residential Lot	Not specified	50
Parking Setbacks (feet)		
Public Right-of-Way	10	15
From any Adjacent Residential Lot	6	15
Green Area (% of gross tract zoned PD-4)	40	40
Parking Facility Internal Landscaping (%)	5	5
Parking Spaces	683	696

¹ As determined by building height measurement points delineated on the certified site plan for each building.

² Final location of buildings may shift up to minimum setback within the building envelope established on the certified site plan.

As the project data table indicates, the site plan meets all of the development standards of the approved development plan amendment and the zone. With respect to building height, setbacks, and density the proposed development meets the maximum and minimum standards allowed. With respect to minimum gross tract area, green space, units per acre, and mix of unit types, the subject site plan meets the standards of the zone in conjunction with site plans 82003002A and 820050410.

- 3. The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The buildings and structures of the proposed development are located primarily around the perimeter of the site establishing relationships to the adjoining streets and residential buildings. This is appropriate for the neighborhood character envisioned by the Master Plan. These locations provide easy access to the building from adjoining sidewalks and parking. The locations of the buildings and structures are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The open space that is provided is primarily through the use of a sidewalk network connecting the buildings and the adjacent sidewalks. It serves to promote walking between areas and buildings by patrons and nearby residents. A prominent open space is provided for the community at the corner of Newcut Road and Snowden Farm Parkway.

Landscaping provides a screen for the parking where it fronts on external roads or residences and the larger open space is used primarily for stormwater management. Street trees and lighting are provided along the external and internal streets to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety in the parking areas but not so much as to cause glare on the adjacent roads or properties. The recreation facilities required are provided in or around the multi-family units and additional benches and bicycle facilities are provided throughout the site. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed uses and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by several improvements including crosswalks and signalization. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. This balance of pedestrian and vehicular circulation

needs meets the recommendations of the Master Plan and is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed multi-family building is compatible with the adjacent and confronting uses as well as approved but unbuilt development. The height is similar in scale to the nearest uses with the 5 story façade facing only a wide parkway and park beyond. The architectural details provided on the building further reduce the sense of scale by breaking up the massing of the building's face. The use is well-integrated into the surrounding mix of residential uses.

The proposed commercial buildings are laid out with the smaller footprints along the perimeter of the site and the largest building set internally. This helps create more a more balanced sense of scale between the residential and commercial buildings. The heights and articulation of rooftops help ensure compatibility with the rooflines that will sit across Snowden Farm Parkway and Newcut Road. Breaks in the streetwall and open space along the road frontages further enhance this sense of complementary scale and rhythm.

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

The proposed development will provide 6.79 acres of reforestation within the Clarksburg Village, Phase 2 development area. All of the planting requirements will be met through a combination of landscape credit and onsite planting.

Stormwater quality control is provided via a treatment train consisting of micro bioretention structures, surface sand filters, structural filters and hydrodynamic pretreatment structures. These features will ensure the goals of the final water quality plan are met for this special protection area.

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

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

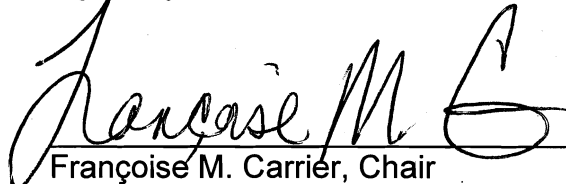
BE IT FURTHER RESOLVED, that the date of this resolution is AUG 16 2010 (which is the date that this resolution is mailed to all parties of record); and

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 Resolution, 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 Alfandre, seconded by Commissioner Wells-Harley, with Chair Carrier and Commissioners Wells-Harley, Alfandre, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, July 29, 2010, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board