



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

SEP 14 2015

MCPB No. 15-95
Preliminary Plan No. 120150060
The Courts at Clarksburg
Date of Hearing: July 30, 2015

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on October 6, 2014, Windridge Farms LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one hundred and forty (140) lots on 54.32 acres of land in the PRC zone, located on the west side of Ridge Road/MD-27, north of Brink Road ("Subject Property"), in the Clarksburg Policy Area, 1994 Clarksburg Master Plan & Hyattstown Special Study Area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120150060, The Courts of Clarksburg ("Preliminary Plan" or "Application"); and

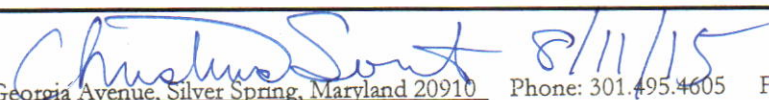
WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 17, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 30, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 30, 2015 the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez seconded by Commissioner Wells-Harley with a vote of 4-0; Commissioners Anderson, Fani-Gonzalez, Presley, and Wells-Harley voting in favor and Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120150060 to create one hundred and forty (140) lots on the

Approved as to
Legal Sufficiency

 8/11/15

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Subject Property, subject to the following conditions:¹

1. This Preliminary Plan is limited to one hundred and forty (140) lots for one hundred and forty (140) age-restricted residential homes and one 2,800 square foot community center support building.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated May 22, 2015 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
4. The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services ("MCFRS") approval dated July 1, 2015 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the approval. These recommendations may be amended by MCFRS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in a letter dated April 22, 2015 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the approval. These recommendations may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Applicant must dedicate and show on the record plat the rights-of-way for the following roads as well as construct the roads to the design standards specified below:
 - a. Road A with a minimum of 44 feet of right-of-way from the cul-de-sac on Road A to Snowden Farm Parkway. Road A must be constructed to MCDOT Road Code Standard MC-2001.01: Tertiary Residential Street Modified as shown on the Preliminary Plan.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- b. Road B with a minimum of 44 feet of right-of-way from Snowden Farm Parkway to the cul-de-sac on Road B. Road B must be constructed to MCDOT Road Code Standard MC-2001.01: Tertiary Residential Street Modified as shown on the Preliminary Plan.
 - c. Road C with a minimum of 44 feet of right-of-way from the cul-de-sac on Road C to Road D. Road C must be constructed to MCDOT Road Code Standard MC-2001.01: Tertiary Residential Street Modified as shown on the Preliminary Plan.
 - d. Road D with a minimum of 50 feet of right-of-way from Road B to Road C. Road D must be constructed to MCDOT Road Code Standard MC-2001.02: Tertiary Residential Street Modified as shown on the Preliminary Plan.
 - e. Road D with a minimum of 44 feet of right-of-way from Road C to Brink Road. Road D must be constructed to MCDOT Road Code Standard MC-2001.01: Tertiary Residential Street Modified as shown on the Preliminary Plan.
 - f. Brink Road with a minimum of 57.5 feet of right-of-way from the future centerline of Brink from Ridge Road along the entire frontage of the Applicant's site. Brink Road must be constructed to MCDOT Road Code Standard MC-2004.16: Suburban Divided Arterial Modified as shown on the Preliminary Plan.
7. The Applicant must provide an engineering assessment demonstrating the appropriateness of removing the split phasing at Brink Road and Ridge Road (MD 27) to MCDOT and MDSHA in order to meet their Adequate Public Facilities test. This must be done by the Applicant at such time as the Brink Road/Ridge Road intersection improvement is constructed.
8. Prior to the issuance of the 76th residential building permit for those units between Brink Road and Snowden Farm Parkway, both points of access to Brink Road and Snowden Farm Parkway must be complete and accepted for maintenance by MCDOT.
 - a. The Applicant must construct left turn lanes on eastbound and westbound Snowden Farm Parkway as shown on the Preliminary Plan prior to any access being approved by the MCDOT.
 - b. The Applicant must construct the frontage improvements on Brink Road as shown on the Preliminary Plan prior to any access being approved by MCDOT.
9. The Applicant must construct a 10-foot shared use path on the west side of Ridge Road from Snowden Farm Parkway (A-305) to the northern property line as shown on the Preliminary Plan unless a retaining wall is necessary and will not be approved by the Maryland State Highway Administration (SHA) to be

located in the SHA right-of-way in which event an 8-foot shared use path will be constructed.

10. The Applicant must satisfy the Adequate Public Facilities – Transportation Policy Area Review (TPAR) test by making a TPAR payment, equal to 25% of the applicable development impact tax, to the Montgomery County Department of Permitting Services at the time of 1st building permit.

11. The certified Preliminary Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”

12. Record plat must show all necessary easements.

13. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

14. Prior to Certified Preliminary Plan, the Applicant must address Eplans markups including minor clarifications and corrections to the plan drawings.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The issue of Master Plan conformance was largely determined during zoning case G-881. The Planning Board concludes that the preferred way to support the overall objectives of the 1994 Clarksburg Master Plan is to allow a density in the Brink Road Transitional area of two to four dwelling units per acre. However, this density could not be completely implemented because of the inability to provide sewer service for all areas of the Brink Road Transition area, including the Subject Property. The approved Application has a density of 2.6 dwelling units

per acre, well within the preferred range specified for the overall Transition area. In the review of Application, the Planning Board concludes that the density proposed by the Applicant is consistent with the goals of the Master Plan, now that public sewer service can be provided for the Subject Property.

Because the Preliminary Plan remains substantially unchanged from the Development Plan approved with zoning case G-881, the Preliminary Plan substantially complies with the 1994 Clarksburg Master Plan.

- 2. Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Transportation Facilities

The development will require a full movement intersection for vehicular access on the portion of the future Snowden Farm Parkway that bisects the Property. This intersection was not shown in the Mandatory Referral (MR2010814) for Snowden Farm Parkway when reviewed by the Planning Board or when the zoning case was presented to the Planning Board on December 10, 2010. The Applicant has worked with the party responsible for constructing the extension of Snowden Farm Parkway to modify the design to include the necessary intersection. The intersection will require left turn lanes on both eastbound and westbound Snowden Farm Parkway to make left turns into the proposed development from each side of Snowden Farm Parkway.

A second point of vehicular access (intersection) is required on Brink Road and it will also be a full movement access. Other significant improvements to Brink Road are required to be completed by the developer of Black Hills (formerly Crystal Rock, Preliminary Plan No. 120120210), as a condition of their approval. That developer must construct a second westbound through-lane on Brink Road at Ridge Road. The two westbound through-lanes will transition to one westbound lane along the Subject Property's frontage. The Applicant must participate in this intersection improvement as a condition of approval of this development in order to complete Brink Road (A-36) along the Subject Property frontage. The Master Plan requires two lanes in the westbound direction along the entirety of the Subject Property frontage on Brink Road. The development will have no direct vehicular access to Ridge Road.

All internal streets are tertiary roads. Section 49-31.n of the Montgomery County Code limits the number of units on a tertiary road to 75. Therefore, Condition #8 of the Preliminary Plan prohibits issuance of the building permit for the 76th unit (located between Snowden Farm Parkway and Brink Road) until access to both Brink Road and Snowden Farm Parkway is completed and accepted for maintenance by MCDOT.

The Master Plan indicates a desire line for bicycle facilities on Brink Road from MD 355 to the future Mid-County Highway (M-83) while the Master Plan of Bikeways indicates a shared roadway (SR-62) from MD 355 to Damascus Road. Brink Road has a posted speed of 40 miles per hour with no shoulders. Given the speed and design of the road the Planning Board accepted the Staff's recommendation to require the Applicant to construct an alternative 8-foot shared use path along their frontage of Brink Road that will tie into the 8-foot shared use path being constructed on Ridge Road. There is room to expand this path to 10-foot wide if needed; however, because this Property is in the Clarksburg Special Protection Area where impervious surfaces should be limited, an 8-foot shared use path is acceptable. Additionally, the shared use path being constructed on Ridge Road, as part of the road widening, are 8-foot wide, as are the existing paths on Ridge Road south of Brink Road.

In addition to the road improvements to Ridge Road and Snowden Farm Parkway, the Clarksburg Town Center developer is constructing 8-foot shared use paths on the west side of Ridge Road and the south side of Snowden Farm Parkway. To increase the pedestrian and bicycle access to these shared use paths, a series of hard surface and natural surface paths will be constructed within the development to connect to these paths. These path connections will reduce the distance a person needs to walk or bike and promote alternative forms of transportation to destinations in Clarksburg and Germantown.

Vehicular parking for the development is provided in garages and driveways associated with each unit. Each garage will accommodate two vehicles and most of the driveways will necessarily accommodate two cars. Seventeen additional on-street, guest parking spaces have been dispersed throughout the Subject Property in groupings of two or more spaces. The Clubhouse has seven additional surface parking spaces.

Montgomery County Ride-On Route 79 provides bus service along Ridge Road (MD27). The route connects Clarksburg Town Center to the Shady Grove Metrorail Station via Skylark Road, Ridge Road, and I-270 Monday through Friday with service every 30 minutes. The route operates in the southbound direction during the morning peak period and the northbound direction during the afternoon peak period. The closest bus stop is at Apple Orchard Way, which is about one third of a mile to the north of the Subject Property. At this time, taking transit, based on the bus stop locations and service availability, would be very limited, if non-existent. As roads are constructed and density increases, there could be the possibility of looking at bus service expansions; however, this would be need to be done by Montgomery County Ride-On assuming sufficient funds are available to expand the route.

Adequate Public Facilities Review (APF)

As conditioned, the Preliminary Plan satisfies the LATR and TPAR requirements of the Adequate Public Facilities (APF) review. The peak-hour trip generation estimated for the development was based on trip generation rates included in the *ITE Trip Generation Manual, 9th Edition* for Senior Adult Housing –Detached (ITE-251). The development would generate a total of 54 new peak-hour trips during the weekday morning peak hour and 58 new peak-hour trips during the weekday evening peak hour. The Clubhouse is meant to support the residential units of the Subject Application; therefore, no trips have been assigned to this use.

Local Area Transportation Review (LATR)

A traffic study dated February 4, 2015 (revised March 3, 2015), was submitted to determine the impact of the development on the area transportation system. Four local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard. One of the intersections, Brink Road & proposed Street D (Site Access), is a future intersection that would only exist with the development. The intersections are located in the Clarksburg Policy Area with a Critical Lane Volume (CLV) standard of 1,425. The development's trips were added to the existing and the background traffic (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. Two of the intersections will operate at acceptable conditions under the background development condition and total future condition with the approved use on the Subject Property. Two intersections will exceed the CLV standard.

The intersection of MD 27 & Skylark Road exceeds the CLV standard in the background condition and was identified and included in the analysis because Snowden Farm Parkway, which is south of, and closer to the Subject Property, is not currently constructed. The Applicant included the Snowden Farm Parkway extension in their analysis since the road is scheduled to be constructed in the very near future. Once Snowden Farm Parkway is open, any traffic associated with the Subject Property would use Snowden Farm (and not Skylark Road) to head towards the Clarksburg Town Center. Hence, no future trips from the Subject Property were assigned to use the Skylark Road/Ridge Road intersection to access the Town Center. Since the development is not sending any additional trips through this intersection under the future condition, they do not need to mitigate the failing condition of the intersection, which is caused entirely by the background traffic from other approved developments.

The intersection of MD 27 and Brink Road exceeds the CLV standard in the background condition and is made slightly worse by the Subject Property. To remedy this failing condition, the Applicant has shown that the failing condition

can be mitigated by adjusting the traffic signal to remove the "split phasing" for the Brink Road approaches to MD 27. The Applicant is required to work with the Montgomery County Department of Transportation to implement this improvement when this intersection is being improved in the near future.

The Applicant was allowed to include the improvement associated with the Snowden Farm Parkway extension since they have provided right-of-way for its construction. The Applicant was also allowed to include the Brink Road/Ridge Road intersection improvement as they will be participating in the cost associated with this improvement.

Local Area Transportation Review (LATR)

The Property is located in the Clarksburg Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Clarksburg Policy Area is inadequate under the transit test; therefore, a TPAR payment of 25% of the General District Transportation Impact Tax is required. The timing and amount of the payment will be in accordance with that set in Chapter 52 of the Montgomery County Code.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the approved lots. The Property is located in the W-1/S-1 water and sewer service categories. As such, the Applicant will extend public water and sewer infrastructure to serve all the lots in the subdivision. The Application was also reviewed by the Montgomery County Fire Marshal's office, and was approved on July 1, 2015. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the FY 2016 SSP. The Application is for age-restricted housing in the PRC zone and is, therefore, exempt for the School Facilities Payment Test.

Adequate Public Facilities Conclusion

The Planning Board finds the proposed accesses to the Subject Property, as shown on the Preliminary Plan, to be adequate to serve the traffic generated by the development. The Planning Board also finds that the internal and external pedestrian circulation and walkways as shown on the Preliminary Plan will provide adequate movement of pedestrian traffic and bicycle traffic.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code Chapter 50, the Subdivision Regulations and is found to meet all applicable

sections. The Application demonstrates compliance with required setbacks for all structures, parking, stormwater management, access, and necessary right-of-way dedications in the Zoning Ordinance, Subdivision Regulations, and applicable Master Plans. Therefore, the lot size, width, shape and orientation are found to be appropriate for the location of the subdivision and for the intended use given the recommendations of the Master Plan.

The lots were reviewed for compliance with the dimensional requirements for the PRC zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, width, and open space, and future dwellings can meet setbacks required in that zone.

4. *All stormwater management requirements shall be met as provided in Chapter 19, article II, title "stormwater management", Section 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Final Water Quality Plan meets applicable standards.

5. The Board approves over-length cul-de-sacs on Street A and Street C as shown on the Preliminary Plan in accordance with Section 50-26(b) of the Subdivision Regulations.

The cul-de-sac on Street A is approximately 750 in length and the cul-de-sac on Street C is approximately 550 feet in length. Street A cannot be extended as a through street to the west or north since this is land not owned by the Applicant and the land has little subdivision potential that would allow the roads to be extended. The Planning Board accepted the Staff analysis that determined that if the cul-de-sac were intersected with either Ridge Road or Snowden Farm Parkway, intersection spacing would not meet standards. Furthermore, the elevation of Ridge Road is significantly higher than Street A, thus making a road connection impractical due to the steep grades that would be required. Street C is slightly more than 500 feet long which is the over-length cul-de-sac limit; however Street C cannot connect to Snowden Farm Parkway or Ridge Road due to intersection spacing. Additionally, connecting Street C to Street B at another point north of the community center would create sight distance issues and intersection spacing issues. The Board determined that there is sufficient reason to approve cul-de-sacs that are greater than 500 feet in length for this Application.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 85 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 14 2015 (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).

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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 Fani-González, seconded by Commissioner Presley, with Chair Anderson and Commissioners Presley and Fani-González voting in favor, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, September 3, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board