



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

SEP 21 2015

MCPB No. 15-92
Preliminary Plan No. 11995042B
Clarksburg Town Center
Date of Hearing: July 23, 2015

RESOLUTION

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

WHEREAS, on March 26, 1996, the Planning Board approved Preliminary Plan No. 119950420, for 1,300 residential dwelling units, 150,000 square feet of retail uses, and 100,000 square feet of office uses; on approximately 267 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Rd and Frederick Rd (MD 355) ("Subject Property"), in the Clarksburg Policy Area, 1994 *Clarksburg Master Plan & Hyattstown Special Study Area*, as amended in 2011¹ ("Master Plan") area; and

WHEREAS, on August 14, 2001, the Planning Board approved Preliminary Plan No. 11995042R to include a Grading Plan and Borrow Plan (Off-site stockpile); and

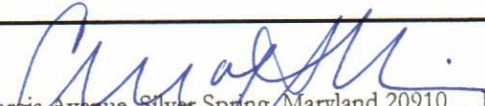
WHEREAS, on July 16, 2009, the Planning Board, by Resolution MCPB No. 08-163, approved Preliminary Plan No. 11995042A, for 194,720 square feet of commercial uses, including up to 69,720 square feet of specialty retail; and 1,213 residential dwelling units, including 12.5 percent moderately priced dwelling units ("MPDUs"); and

WHEREAS, on August 28, 2014, Third Try LC ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan including the following modifications:

- 1) Reduce the total number of residential units by 86, from 1,206 to 1,120; and
- 2) Increase commercial square footage by 11,465 square feet, which includes the addition of office and medical uses yielding a total of 206,185 square feet; and

¹ In 2014, a Limited Amendment to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area Master Plan was adopted as the Ten Mile Creek Area Limited Amendment. The Subject Property was not included within the area that was subject to the Amendment.

Approved as to
Legal Sufficiency


M. NCPPC Legal Department

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WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 11995042B, Clarksburg Town Center ("Preliminary Plan," "Amendment" 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 9, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 23, 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 23, 2015 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Fani-Gonzalez, with a vote of 3-0; Commissioners Anderson, Dreyfuss and Fani-Gonzalez voting in favor. Commissioner Wells-Harley was absent from the hearing, and Presley was recused from participating.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Preliminary Plan No. 11995042B for 206,185 square feet of commercial uses, which includes up to 129,545 square feet of retail and 76,640 square feet of office; and up to 1,120 residential dwelling units, including 12.5 percent MPDUs, subject to the following conditions:²

1. The Applicant must comply with conditions of approval for Preliminary Plan No. 119950420 (MCPB Resolution No.), as amended by Preliminary Plan No. 11995042A (MCPB Resolution No. 08-163), except as modified by this Application, and as shown on the Certified Preliminary Plan.
2. This Preliminary Plan is limited to a maximum of 1,120 residential dwelling units including 12.5% MPDUs, 129,545 square feet of retail, 45,280 square feet of medical office, and 31,360 square feet of office.
3. Final number of MPDUs to be determined at the time of site plan.
4. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 25, 2015, and 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.

² 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.

5. The Applicant must participate with the MCDOT, in accordance with the Memoranda of Understanding dated June 25, 2015, to improve Stringtown Road and Clarksburg Road including its intersections with MD 355 and Snowden Farm Parkway.
6. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
7. The Applicant must dedicate and show on the record plat(s) the following dedications and rights-of-way:

East Side

Clarksmeade Drive – 25 feet from centerline of pavement
Clarks Crossing Drive – 25 feet from centerline of pavement
Clarksburg Square Road – 30 feet from centerline of pavement
Catawba Hill Drive – 25 feet from centerline of pavement

West Side (Public)

Clarksburg Square Road – 30 feet from centerline of pavement
Ebenezer Chapel Road – 25 feet from centerline of pavement
Public House Road – 30 feet from centerline of pavement
Overlook Park Drive – 53 feet total width

West Side (Private)

General Store Drive – within a 60 foot wide right-of-way/parcel
Martz Street – within a 48 foot wide right-of-way/parcel

8. The Applicant must dedicate all road rights-of-way not referenced above to the full width mandated by the Clarksburg Master Plan or as otherwise designated on the Preliminary Plan.
9. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.
10. The Applicant must construct the private internal street(s) to applicable Montgomery County structural standards and must construct all corresponding sidewalks, both on and off the Subject Property, to applicable ADA standards.
11. The Certified Preliminary Plan and record plats must note and delineate the limits of the following rights-of-way abandonments:
 - Council Resolution No. 16-1487, "AB722, Portion of Clarksridge Road"
 - Council Resolution No. 16-1488, "AB720, Portions of Overlook Park Drive"
 - Council Resolution No. 16-1489, "AB721, Portion of Clarksburg Square Road"
12. Prior to record plat approval, rename General Store Drive in accordance with the Addressing and Street Naming Guidelines and Procedures and assign it as a private street pursuant to the guidelines established in 50-26(e).

13. Prior to approval of the first record plat for private streets on the West Side, the Applicant must provide for review and approval by Staff, a public use and access easement to Montgomery County, in trust for the public, in a recordable form containing provisions to address the following for all private streets:

- a) Each private street must be located within its own parcel, separate from the proposed development, and must be shown on the record plat.
- b) Entitlement for open and unobstructed public use of the easement for all customary vehicular, pedestrian and bicycle, and loading access. The easement granted to the public must be volumetric, in order to accommodate uses below and above the street easement area and must accommodate public utility easements;
- c) Obligation for the Applicant to construct the streets pursuant to comparable MCDOT structural construction standards, at the Applicant's expense;
- d) Obligation to install traffic control devices within the private street easement area, based on prevailing standards, at the County's request, and at the Applicant's expense;
- e) Obligation for the Applicant to maintain and repair the streets in acceptable conditions for all access and loading purposes, at its expense;
- f) Obligation for the Applicant to keep the streets free of snow, litter and other obstructions and hazards at all reasonable times, at the Applicant's expense;
- g) Entitlement for the Applicant or its designee to close private streets for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public. Closure for recreational purposes, i.e., Block Parties, Parades, Races, etc., must follow MCDOT protocol to include, but not be limited to:
 - i. Signage notifying public of road closures, lane restrictions, or parking restrictions to be in place at least one week prior to closure at locations in accordance with adopted MCDOT standards.
 - ii. Maintain vehicular and pedestrian access to properties abutting closure if possible, and open to emergency vehicle passage at all times.
 - iii. Traffic control devices to be placed in accordance with adopted MCDOT standards.
 - iv. Written notice in accordance with adopted MCDOT standards.
 - v. Coordination with affected civic associations, homeowners associations and businesses to be notified in writing two weeks prior to event.
 - vi. Dimensions of signage in accordance with adopted MCDOT standards

14. The following prior conditions of approval for road dedications as set forth in the Planning Board Opinion dated March 26, 1996 in Preliminary Plan 119950420 remain in full force and effect:

- a) Dedication of the following roads as shown on the plan must be provided as follows:
 - i. Clarksburg Road for ultimate 80' right-of-way.

- ii. Snowden Farm Parkway (formerly Piedmont Road; A-305) for ultimate 80' right-of-way.
 - iii. Stringtown Road (A-260) for ultimate 120' right-of-way.
15. The Applicant must dedicate to M-NCPPC the approximately 66-acre portion of the Subject Property identified as Parcel 200, Tax Map EW42 for use as a local park per the Clarksburg Master Plan. The land must be dedicated to the M-NCPPC in a form of deed approved by the Office of General Counsel, which Liber and Folio must be noted on the record plat. At the time of conveyance, the property must be free of any trash and unnatural debris. In the event the Applicant is to complete improvements on the property to be dedicated, the Applicant must enter into a Recreational Facilities Agreement (RFA) or a Park Permit with the Department of Parks. Both the deed and the RFA/Park Permit must be in a form approved by the Department of Parks and the Office of General Counsel.
16. The Applicant must dedicate to M-NCPPC the following properties shown on the Preliminary Plan:
- Parcel A, Block V at approximately 0.09 acres
 - Parcel C, Block V at approximately 0.30 acres
 - Parcel D, Block V at approximately 4.79 acres
 - Parcel Q, Block A at approximately 11.05 acres
- The properties are for use as the Greenway and a shared use path connecting Clarksburg Road to Stringtown Road per the Clarksburg Master Plan. The land must be dedicated to the M-NCPPC in a form of deed approved by the Office of General Counsel, which Liber and Folio must be noted on the record plat. At the time of conveyance, the property must be free of any trash and unnatural debris. In the event the Applicant is to complete improvements on the property to be dedicated, the Applicant must enter into a Recreational Facilities Agreement (RFA) or a Park Permit with the Department of Parks. Both the deed and the RFA/Park Permit must be in a form approved by the Department of Parks and the Office of General Counsel.
17. Parcel K, Block BB as shown on the Preliminary Plan must be made available for dedication to Montgomery County in accordance with development program triggers in the certified site plan.
18. The record plat must show necessary easements.
19. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
20. The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant's recorded HOA Documents incorporate the Covenant by reference.
21. Prior to recordation of any plat, Site Plan No. 82007022D must be certified by MNCPPC Staff.
22. No clearing or grading of the site, or recording of plats prior to certified site plan approval.

23. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
24. 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 site plan approval. 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.
25. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of that site plan.
26. The Adequate Public Facility ("APF") review for this Preliminary Plan will remain valid under the approval of Preliminary Plan No. 11995042A and as extended by County Council action until March 26, 2022.

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 Amendment provides a mixed-use community with office, retail, restaurant, and civic uses in addition to a variety of housing types including one-family detached, one-family attached, and multi-family units, which create a lively and diverse place. The clustering of non-residential uses on the West Side combined with significant open spaces, such as the Town Green, the plaza with splash fountain and the Greenway beyond, create a strong central focus and identity for the Town Center. The Town Center continues to be a pedestrian oriented neighborhood by providing a well-connected street system, orienting buildings towards the streets, and providing a variety of open spaces.

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

As a result of a series of Adequate Public Facilities ("APF") validity extensions granted by the County Council, the Preliminary Plan has a valid APF approval

through March 26, 2022. The Planning Board finds that the Amendment will not have an adverse impact beyond the previously approved development because the amended development density is within the limits previously approved through Preliminary Plan 11995042A.

Site Access, Vehicular/Pedestrian Circulation and Rights-of-Way

The Clarksburg Town Center site, including the incomplete "West Side" town center, "Greenway," "East Side" residential development, and "Piedmont Woods Park," is currently accessed via Snowden Farm Parkway (A-305), Stringtown Road (A-260), and Clarksburg Road (A-27). Future access to the site will be enhanced through the widening of Stringtown Road, improvements along Clarksburg Road, and modification of the Clarksburg Road/ Snowden Farm Parkway intersection. Internal circulation within the East Side is currently accommodated by a public east-west roadway, Clarksburg Square Road (P-5), which will be extended into the West Side through this Application. Related development applications (Preliminary Plan No. 120140060 (MCPB No. 15-79)/Site Plan No. 820140050 (MCPB No. 15-80)/MR2015008), all approved by the Planning Board on July 23, 2015, will extend Clarksburg Square Road to Frederick Road (MD 355) through the Clarksburg Historic District. Loading for each commercial building on the West Side will occur via the proposed internal street network/ surface parking lots and will not require queuing on adjacent public roadways.

The Amendment will enhance future north-south connectivity by completing a new private road connection, currently labelled as "General Store Drive" on the Application drawings. To avoid confusion for emergency responders, this private street will be designated by a name other than "General Store Drive" because a street known by that name already exists within the Subject Property and the new private street will not connect to the existing General Store Drive.

General Store Drive has a similar alignment with that of the formerly approved "General Store Drive," located between Stringtown Road and Clarksburg Square Road. The street will be located within a discrete parcel (private right-of-way) measuring approximately 60-feet wide and within a public access easement coterminous with the parcel. As discussed at the hearing, the Planning Board accepted the road design, as shown on the Preliminary Plan, depicting twelve-foot wide travel lanes to accommodate larger service vehicles and eight-foot wide parking lanes.

Future transportation improvements to Clarksburg Road and Stringtown Road associated with this Application will be implemented through a roadway improvement package agreement, described in the Memoranda of Understanding dated June 25, 2015, between the Applicant and the MCDOT. Funding for the

roadway improvement package has been secured through County Council appropriation.

Clarksburg Square Road is identified as Redgrave Place in the Master Plan. This road is recommended to be a Business District Street within a 70-foot wide right-of-way, with 2 travel lanes through the West Side of the Clarksburg Town Center. The Preliminary Plan shows a 60-foot wide right-of-way for the section of Clarksburg Square Road through the Commercial Core of the Town Center. The 60-foot wide right-of-way matches the existing right-of-way that has been platted and constructed in the far western section of the Town Center immediately adjacent to the Historic District. Once Clarksburg Square Road enters the Historic District, it transitions to a 50-foot wide right-of-way in order to minimize impacts to the historic character and resources in the Historic District.

Within the Commercial Core, Clarksburg Square Road is depicted as a Business District Street with two 11-foot wide travel lanes and where appropriate, 8-foot wide, on-street parking spaces on each side of the road. A tree panel, approximately 5-feet wide, separates the 5-foot wide sidewalk from the curb. Chokers, located at all intersection, minimize the pedestrian crossing distance in this high pedestrian area. The chokers, in combination with the on-street parking, will help delineate and separate the pedestrian realm from the vehicular realm, slow traffic, and generally improve public safety. The narrower right-of-way enhances the pedestrian scale and provides a more intimate relationship between the residential and civic uses on the north side of the road with the commercial, employment and services on the south side of the road.

The narrower right-of-way serves the same basic function as the 70-foot wide right-of-way that the Master Plan recommends, however, the narrower right-of-way allows additional benefits that greatly improve the integration of the varied uses along this section of road. Subsequent to adoption of the Master Plan, design principles, road standards, and planning practices have evolved to create more compact and vibrant urban centers which advocate for narrower rights-of-way and tighter confronting building orientations. For these reasons, the 70-foot wide right-of-way is no longer appropriate at this location and the 60-foot wide right-of-way can be used to achieve superior results.

Local Area Transportation Review (LATR)

Since the Subject Property has a valid APF approval for transportation facilities. The Planning Board finds that the transportation impact of the revised development program does not exceed the impacts of the previously approved development, and therefore, the APF remains valid without revision.

Policy Area Review

At the time the Clarksburg Town Center received its APF approval, the policy area review consisted of the "Policy Area Transportation Review" ("PATR"), which required that the Applicant make transportation improvements rather than mitigate transportation impacts through financial contributions. Since this Amendment represents a modification to the previously granted APF approval, the Application is not subject to the current "Transportation Policy Area Review" ("TPAR") and is therefore not required to mitigate its transportation impact through a TPAR payment.

Conditions of the previous APF approval required improvements to public transportation infrastructure within and around the Subject Property, which are now being implemented through the partnership as described in the Memoranda of Understanding. As previously discussed, those improvements will improve access to the Subject Property by widening Stringtown Road to its master planned width of 4 lanes, implementing frontage improvements along Clarksburg Road, and improving sight distance at the Clarksburg Road/ Snowden Farm Parkway intersection. These improvements will be made in partnership with MCDOT and will satisfy the previous conditions of approval for the Clarksburg Town Center.

As a result of the internal road network shown on the Amendment and the Applicant's partnership with MCDOT to participate in public roadway improvements, this Amendment maintains the intent of the previous approval and will result in a safe, adequate, and efficient transportation network.

Other Public Facilities

Public facilities and services continue to be available and will be adequate to serve the development. The Subject Property is served by adequate public water and sewer systems. The Amendment has been reviewed and approved by the Montgomery County Fire and Rescue Service ("MCFRS"), who have determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as, police stations, firehouses, and health services are operating according to the Growth Policy resolution in effect when the APF approval was granted and will be adequate to serve the development. No additional residential units are proposed with this Amendment; therefore, the development is not subject to a School Facility Payment review.

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.*

The size, width, shape and orientation of the lots continue to be appropriate for the location of the subdivision, given the recommendations of the Master Plan. The lot

pattern is comparable to that approved and built as part of the Town Center. The size, shape, width and orientation of lots on the Amendment are appropriate and will provide a seamless continuation of the existing development.

4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

As conditioned and fully discussed at the hearing on this Application and included in the Planning Board Resolution MCPB No. 15-86 approving Site Plan No. 82007022D, which was adopted at the same time as this Resolution, the Amendment is in compliance with the Montgomery County Environmental Guidelines, the Forest Conservation Law (Chapter 22A). Amended FCP 82007022D was submitted on June 4, 2015. As part of the FCP, the Applicant will be retaining 41.39 acres of the original 48.49 acres of existing onsite forest, including 25.97 acres of forest within the environmental buffer. Approximately 2.42 acres of onsite forest within the environmental buffer has been cleared under the original FCP approval for project elements including road crossings, utilities, and stormwater management features. The Applicant meets the 22.58 acre forest conservation planting requirement onsite through forest and landscape plantings.

The Applicant has withdrawn its request to modify the Category I conservation easement with a viewshed management plan for the forest conservation planting areas within the environmental buffer located between Stringtown Road and the future retail center so that the project meets the goals and the requirements outlined in the SPA law, Environmental Guidelines, Forest Conservation Law, and Clarksburg Master Plan.

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

As conditioned and fully discussed at the hearing on this Application and included in the Planning Board Resolution MCPB No. 15-86 approving Site Plan No. 82007022D, which was adopted at the same time as this Resolution, the Amendment meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. In a letter dated June 23, 2015, the Montgomery County Department of Permitting Services has conditionally approved their portion of the SPA Final Water Quality Plan including site performance goals, stormwater management, sediment and erosion control and BMP and stream monitoring. The Planning Board's responsibilities include forest conservation and planting requirements, environmental buffer protection, and limits on impervious surfaces. Per SPA requirements outlined in the Environmental Guidelines, areas of the environmental buffer currently lacking forest will be reforested, forest planting will be expedited, and a five-year maintenance program

for newly planted forest will be required. The development results in approximately 12.19 acres of environmental buffer disturbance; however, this is a net reduction of 1.53 acres from the 13.72 acres of buffer disturbance on the previously approved Site Plan. Mitigation for the buffer disturbance will be provided onsite. The Clarksburg SPA does not have a specific numerical limit on impervious surfaces and the Applicant has demonstrated efforts to reduce imperviousness, including a net reduction of 1.53 from the previously approved site plan.

6. *Practical difficulties exist which prevent the development from complying with Section 50-29(a)(2) requirements for lot frontage on a public street, therefore the Board grants a waiver under Section 50-38(a) of the Subdivision Regulations.*

Section 50-29(a)(2) of the Subdivision Regulations requires that all lots abut on a street or road which has been dedicated to public use or which has acquired the status of a public road. There are several one-family attached lots that do not have frontage on either a public or private street. Instead, the frontage is either on private driveways or on green space. Since these driveways and green spaces are the only frontage provided for the lots, a waiver of Section 50-29(a)(2) is needed to permit the configuration shown.

Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist which prevent full compliance with the requirements from being achieved, and that the waiver 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; 3) not adverse to the public interest.

Waivers of lot frontage are justified based on the practical difficulties associated with implementing neo-traditional design principles within Clarksburg Town Center if lot frontage is always required. Such a design implements the intent and recommendations of the Master Plan by facilitating a community which has a hierarchy of streets, including a series of alleyways, with a mix of housing types and densities, and green areas dispersed throughout. The neo-traditional neighborhood design best implements the intent of the Clarksburg Master Plan, particularly with regard to integrating green spaces throughout the development. The waiver facilitates the replacement of certain roads with green spaces that reduce the amount of paving in the development, increase the areas available for treatment of stormwater runoff, and create visible open areas and gathering spaces for the community. All houses will be adequately served and accessed by private driveways.

Therefore, the Planning Board grants a waiver of Section 50-29(a)(2), pursuant to Section 50-38(a) and finds that the waiver is the minimum needed, is not contrary with the purposes and objectives of the General Plan, and is not adverse to the public interest because it maintains safe vehicular and pedestrian circulation while providing additional amenities.

7. *The Planning Board reaffirms that non-standard truncations at the locations shown on the Preliminary Plan are appropriate. Minimum 25' truncations must be provided for the intersection of the following public roads: Ebenezer Chapel Drive and Overlook Park Drive, Overlook Park Drive and Clarksburg Square Road, Clarksburg Square Road and Public House Road, and Public House Road and Ebenezer Chapel Drive.*

Section 50-26(e)(3) requires corner lots at intersection to be truncated for road dedication purposes by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant, however, the Planning Board may specify a greater or lesser cut-off if it is needed for safe sight distance or traffic channelization. The Amendment supports the Master Plan goal of providing a safe, friendly, transit-oriented community by reducing corner truncations to the minimum necessary while still providing safe sight distance and turning movements for vehicles. Thus, the above-mentioned intersections are more highly travelled, and must meet the minimum standards, however, other less travelled road intersections have reduced truncations or none at all. Those non-standard intersections shown in the Amendment match those that have already been platted and constructed. They tend to be on narrower roads that are more pedestrian friendly and that have slower traffic speeds. In all cases, the MCFRS has found all intersections, regardless of truncation, to be adequate for emergency apparatus access.

Non-standard corner truncations were included in all prior approvals for the Clarksburg Town Center. The Planning Board supports the additional non-standard truncations at the locations shown on the Preliminary Plan.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 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 21 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).

* * * * *

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 Commissioner Fani-González voting in favor, Commissioner Presley abstaining, 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

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