



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAR 30 2016

MCPB No. 16-034  
Site Plan No. 82007022E  
Clarksburg Town Center  
Date of Hearing: March 24, 2016

## RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and


WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on July 16, 2009, the Planning Board, by Resolution MCPB No. 09-15, approved Site Plan No. 820070220 for 194,720 square feet of commercial uses, which includes up to 69,720 square feet of specialty retail; 1,213 residential dwelling units, including 152 MPDUs; a waiver to permit a reduction in the number of parking spaces; and reconfirmation of the previously approved reduction in setbacks from adjacent residentially-zone properties, on approximately 270 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Rd and Frederick Rd (MD 355), in the Clarksburg Policy Area, 1994 Clarksburg Master Plan & Hyattstown Special Study Area and as amended in 2011 ("Master Plan") area; and

WHEREAS, on June 15, 2010, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment 82007022A (MCPB No. 10-59), to correct the unit count from 1,213 to 1,206 residential dwelling units including 151 MPDUs; and

WHEREAS, on July 11, 2013, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment 82007022B (MCPB No. 13-125), to reinstate accessory structure setbacks on certain lots, and confirm that based on the existing approved lot standards, either single-family detached houses with garages or the previously shown "Courtyard" houses could be built on certain lots; and

WHEREAS, on July 23, 2015, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment 82007022C (MCPB No. 15-81), for construction of a driveway approach onto Clarksridge Road,

Approved as to  3/17/16

Legal Sufficiency, Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

M-NCPPC Legal Department  
www.montgomerycountyparkingboard.org E-Mail: mcp-chair@mncppc-mc.org



approximately 3.5 parking spaces, landscaping, lighting, and stormwater management facilities on Parcel A, Block HH in support of Site Plan #820140050; and

WHEREAS, on September 21 2015, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment 82007022D (MCPB No. 15-86), to reduce the total number of residential units to 1,120; increase overall commercial density to 206,185 SF including the addition of office and medical uses; revise the design and layout of the Commercial Core; add a new Community Building to the Residents' Club; add a parking area on Sinequa Square; redesign Block H; revise Kings Pond Local Park and Piedmont Woods Local Park; and

WHEREAS, on August 28, 2015, Miller and Smith at Clarksburg, LLC, ("Applicant") filed an application for approval of an amendment to the previously approved site plan to replace 11 multi-family units (including 3 MPDUs) with 9 one-family attached units (including 3 MPDUs) and 1 HOA parcel on approximately 0.36 acres in the RMX-2 zone, located on Block N in the northwest quadrant of the intersection of Catawba Hill Road and Sugarloaf Chapel Drive ("Subject Property") within the Clarksburg Town Center development; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82007022E, Clarksburg Town Center ("Site 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 March 10, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 24, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82007022E for 9 one-family attached units (including 3 MPDUs) with the following conditions:<sup>1</sup>

---

<sup>1</sup> 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.



1. Project Plan Conformance  
The development must comply with the conditions of approval for Project Plan No. 91994004D, or as amended.
2. Preliminary Plan Conformance  
The development must comply with the conditions of approval for Preliminary Plan No. 11995042C, or as amended.
3. Fire and Rescue  
The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its correspondence dated December 29, 2015, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval. This letter does not supersede all previous MCFRS letters referenced in other approvals and covering other areas.
4. Density  
The development is limited to a maximum of 206,185 SF of commercial uses (including office and retail), and a maximum of 1,118 dwelling units (including 12.5% MPDUs), on 270.92 acres.
5. Moderately Priced Dwelling Units (MPDUs)
  - a) The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its correspondence dated October 7, 2015, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
  - b) The development must provide 12.5 percent MPDUs on-site as shown on the certified site plan and consistent with the requirements of Chapter 25A and the Master Plan.
  - c) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the DHCA must be executed.
6. Architectural Design/Compatibility
  - a) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
  - b) The Applicant must enhance high visibility end unit facades (Lots 78 and 86) by providing at least two architectural treatments from the following list: box or bay window, minimum of two windows, shutters, fireplace, brick water table,



trim and headers on exposed side consistent with front elevation. The details of the architectural treatments must be shown on the Certified Site Plan.

7. Site Plan Surety and Maintenance Agreement

Before issuance of the 1<sup>st</sup> building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board for that Block or Phase. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, mailbox pad sites, fences, railings, private roads and alleys, curbs and gutters along all private roads and alleys, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of any building permit within each relevant Block or Phase of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each Block or Phase of development will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each Block or Phase.

8. Certified Site Plan

Before 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 letter, stormwater management concept approval letter, development program, and Resolution on the approval or cover sheet(s).
- b) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c) Modify data table to reflect development standards approved by the Planning Board.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect, except as modified by the conditions above; and



BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of the Clarksburg Town Center No. 82007022E, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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. Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*
- 2. 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 is not subject to a development plan, diagrammatic plan, or schematic development plan. The Site Plan Amendment is consistent with Project Plan Amendment No. 91994004D for the Clarksburg Town Center in terms of land uses and maximum densities, design layout, development standards, and conditions of approval.

- 3. 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 Subject Property is zoned RMX-2 per the Zoning Map in effect prior to October 30, 2014, applicable in this case under the grandfathering provision in Section 59.7.7.1.B.3 of the current Zoning Ordinance. As demonstrated in the Data Table below, the Amendment meets the general requirements and development standards of the RMX-2 zone, under the optional method of development.

The Amendment slightly modifies the housing mix for the overall project. As a result, the ratio of multi-family units continues to be below the Master Plan recommended ratio, and the ratio of one-family attached units continues to be above the recommended ratio. As previously approved, the Planning Board found that the project substantially conformed to the Master Plan by providing a mix of residential and non-residential uses that enables the creation of a lively and diverse place as



envisioned by the Master Plan, despite the fact that the housing mix provided was slightly outside the ratios recommended. Because the new housing mix provided is not significantly different from the current approved plans and maintains the general goals of the Master Plan while responding to market demand, the Planning Board finds that the Amendment substantially conformed to the Master Plan. Lastly, DHCA strongly supports replacing the approved multi-family units with one-family attached.

The Data Table below lists only those development standards that are being modified by this Amendment. All other development standards remain in full force and effect as previously approved.

Data Table

Development Standard	Zoning Ordinance Permitted/ Required	Previously Approved with Site Plan 82007022D	Approved with this Amendment (82007022E)
<b>Density &amp; Land Use</b>			
Residential D.U.s (> 30 acres site area) [59-C-10.3.6]	150 min.	1,120	1,118
Max. Residential Density (du/acre) [59-C-10.3.7]	7 d.u./acre <sup>2</sup> (1,428 d.u.)	6.27 <sup>3</sup>	6.26
Unit Mix <sup>4</sup>			
One-family detached	10-20%	219 (19.6%)	219 (19.6%)
One-family attached	30-50%	665 (59.3%)	674 (60.3%)
Multi-family	25-45%	236 (21.1%)	225 (20.1%)
MPDUs [Chapter 25A]	12.5%	12.5%	12.5% (140 MPDUs)
<b>Min. Individual Lot Setbacks</b>			
One-family attached (Block N) Lots 78-86			
Main Structure Setbacks	To be determined at Site Plan	n/a	
Public Street (Front/Side)			5
Sideyard (Interior Unit)			0
Sideyard (End Unit)			3
Rearyard			5
Accessory Structure Setbacks			

<sup>2</sup> Max residential density established by the 1994 Clarksburg Master Plan, p.43.

<sup>3</sup> Calculated by dividing the total number of units by 178.63 acres, which is the area covered by residential uses in the RMX-2 Zone.

<sup>4</sup> Mix of units allocated by the 1994 Clarksburg Master Plan, p.44.

Frontyard			50
Sideyard (End Unit/Street)			3
Sideyard (Interior Unit)			0
Rearyard			0
<b>Max. Building Height (ft)</b>			
Residential	To be determined at Site Plan		
One-family attached Lots 78-86, Block N			40
Accessory structures			25
<b>Vehicle Parking Spaces [Section 7.7.1.B.3.b]</b>			
East Side Residential			
One-family attached (9 units)	18 (2 spaces/unit)	n/a	18

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

a) Locations of buildings and structures

The locations of buildings and structures are adequate, safe, and efficient. The Amendment replaces 11 multi-family dwelling units (including 3 MPDUs) with 9 one-family attached dwellings units (including 3 MPDUs). The attached units are adequately oriented towards Catawba Hill Road, which abuts the Residents' Club, and rear loaded from a private alley off Sugarloaf Chapel Drive. This orientation combined with minimum or no setbacks from the road is consistent with other built units on Catawba Hill Road, which will allow for a seamless continuation of the streetscape treatment and pedestrian experience.

b) Open Spaces

The Amendment does not contemplate any modifications to the approved open space network.

c) Landscaping and Lighting

The landscaping is adequate, safe, and efficient. The Amendment makes revisions to the landscape in Lot N in order to accommodate the new unit types and layout revisions. The landscape plan includes street trees, which will replace existing street trees as necessary if they are disturbed during construction. It includes ornamental trees in front yards and in between rear driveways, which adequately scale down the buildings while providing shade and aesthetic value. Evergreen trees at the entrance to the alleyway efficiently screen a portion of the alleyway and narrow its perceived width.

The Amendment does not contemplate any modifications to the approved lighting.



d) Recreation Facilities

The Amendment does not contemplate any modifications to the approved recreation facilities. The change in unit type from multi-family to one-family detached units combined with a decrease in the overall number of units has decreased the recreation demand points for the project. As a result, the approved recreation facilities continue to be adequate, safe, and efficient at meeting the recreation demand for the total of 1,118 units.

e) Pedestrian and Vehicular circulation systems

The pedestrian and vehicular circulation systems are adequate, safe, and efficient. The Amendment continues the existing sidewalk along Catawba Hill Road and wraps it around the corner to Sugarloaf Chapel Drive. The 5-foot accessible sidewalk adequately and safely accommodates pedestrian circulation within the site and to the front of the units. Vehicular circulation is accommodated via a new one-way private alley that is accessed off Sugarloaf Chapel Drive and connects to the alley system in Block N. In coordination with MCDOT, the alley will be used as a right-in only off Sugarloaf Chapel Drive and the curb in front of Lot 9 on Sugarloaf Chapel Drive will be modified to provide one-way channelization. The new alley provides adequate and safe access to the rear of each unit while improving connectivity in Block N.

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

The 9 one-family attached dwellings units (including 3 MPDUs) are compatible with the surrounding existing development in terms of unit type, massing, and orientation. The unit type in the immediate vicinity of the new units, including Block N and Block L, is predominantly one-family attached with some two-over-two's. Both existing and proposed units are consistently oriented towards the street and rear-loaded from alleys.

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

The Amendment does not contemplate any modifications to the approved Final Forest Conservation Plan and SPA Final Water Quality Plan.

BE IT FURTHER RESOLVED that this Resolution 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

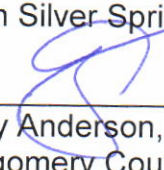
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 30 2016 (which is the date that this resolution is mailed to all parties of record); and

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 Presley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, March 24, 2016, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board