



MCPB

Item No. 10

Date: 11/17/16

Avalon at Clarksburg, Local Map Amendment H-115

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Staff Report Date: 11/04/2016

Description

- Request to rezone the 10.28-acre property from the R-200 Zone to the TF-5 Zone to construct up to 50 residential dwelling units (34 detached units and 16 townhouses, including 8 MPDU townhouses)
- Location: 22821 and 22901 Frederick Road, Clarksburg
- Current Zone: R-200
- Master Plan: 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*
- Applicant: 3 Sons Avalon, LLC
- Filing Date: June 1, 2016
- Zoning Hearing Examiner's Public Hearing Date: December 9, 2016



Staff Recommendation: Approval of Local Map Amendment (LMA) H-115 and the associated Floating Zone Plan. Staff recommends that the following binding elements be included on the Floating Zone Plan:

1. Development may not exceed 50 dwelling units.
2. To ensure compatibility with the surrounding neighborhoods, only single-family detached units may be constructed around the perimeter of the site, as depicted on the Floating Zone Plan. This includes units separated from the site boundary by stormwater management, forest, or other buffers.
3. Setback from site boundary is a minimum of 25 feet.
4. The maximum building height is 40 feet.
5. To minimize impervious surfaces on the property, development of the property should pursue an imperviousness goal of 35 percent or less of the tract area as calculated using the Montgomery County Environmental Guidelines.

Summary

The applicant, 3 Sons Avalon, LLC, is requesting a rezoning of 10.28 acres of land from the R-200 zone to Townhouse Floating Zone TF-5, which allows an overall density of 5 dwelling units per acre. The applicant proposes to build 34 detached single-family houses and 16 townhouses with a final density of 4.87 dwelling units per acre. Eight (16%) of these units will be moderately priced dwelling units (MDPUs).

This LMA application was filed under the Zoning Ordinance requirements of Article 59-5 (Floating Zone Requirements) adopted by the County Council on March 5, 2014 and effective as of October 30, 2014. The proposed development requires District Council approval of the Local Map Amendment and Floating Zone Plan. If LMA H-115 is approved by the District Council, the proposed development will be subject to preliminary, site, water quality, and forest conservation plan review by the Planning Board.

The proposed floating zone plan meets the requirements of the proposed TF-5 zone in terms of number of dwelling units, the mix of unit types, and the intent and purpose of the Floating Zones in terms of compatibility with the surrounding neighborhoods. The proposal is also consistent with Master Plan recommendations of density, character, and environmental protection.

Staff recommends approval of the plan as submitted with the proposed binding elements outlined above. Final approval by the Office of Zoning and Administrative Hearings will establish the requested Floating Zone on the property; final site layout, design, unit mixes, and other plan details will be established during the subsequent regulatory reviews mentioned above and may result in fewer units or a substantially different site layout.

I. PROPERTY DESCRIPTION

The 10.28-acre property consists of three parcels: P765, P770, and P801 on tax map EW41, all with a legal description of "Garnkirk." The site is on the east side of Frederick Road (MD 355) in Clarksburg, 400 feet north of Shawnee Lane and 2,700 feet south of Stringtown Road. The property is currently undeveloped except for an old paved driveway for a home which stood near the center of the Frederick Road street frontage. See Figure 1.



Figure 1. The subject property along MD 355 just south of Clarksburg.

The topography is gently sloping, from an elevation of 622 feet in the north to 562 feet at its lowest point along the southern boundary. There are no forests, streams, wetlands, floodplains, or environmental buffers on the site. The site falls within the Clarksburg Special Protection Area (SPA). The Maryland Department of Natural Resources determined that there are no state or federal records for rare, threatened, or endangered species within the boundaries of the proposed project.

II. SURROUNDING AREA

The applicant's proposed surrounding area, or "neighborhood," boundary to be used for plan review, is shown in red in Figure 2 below. It is Staff's opinion that the applicant's proposed area is not appropriate because it is not well-centered around the proposed site and includes many properties that would be minimally affected by the proposed plan. For the purposes of this review, Staff defines the neighborhood as bounded on the north by the properties along Suncrest Avenue and Battalion Court, on the east by the properties along Timber Creek Lane, on the south by the properties along Foreman Boulevard and by Clarksburg High School, and on the west by the properties along or accessed from MD 355. Staff's neighborhood boundary is shown in green in Figure 2.

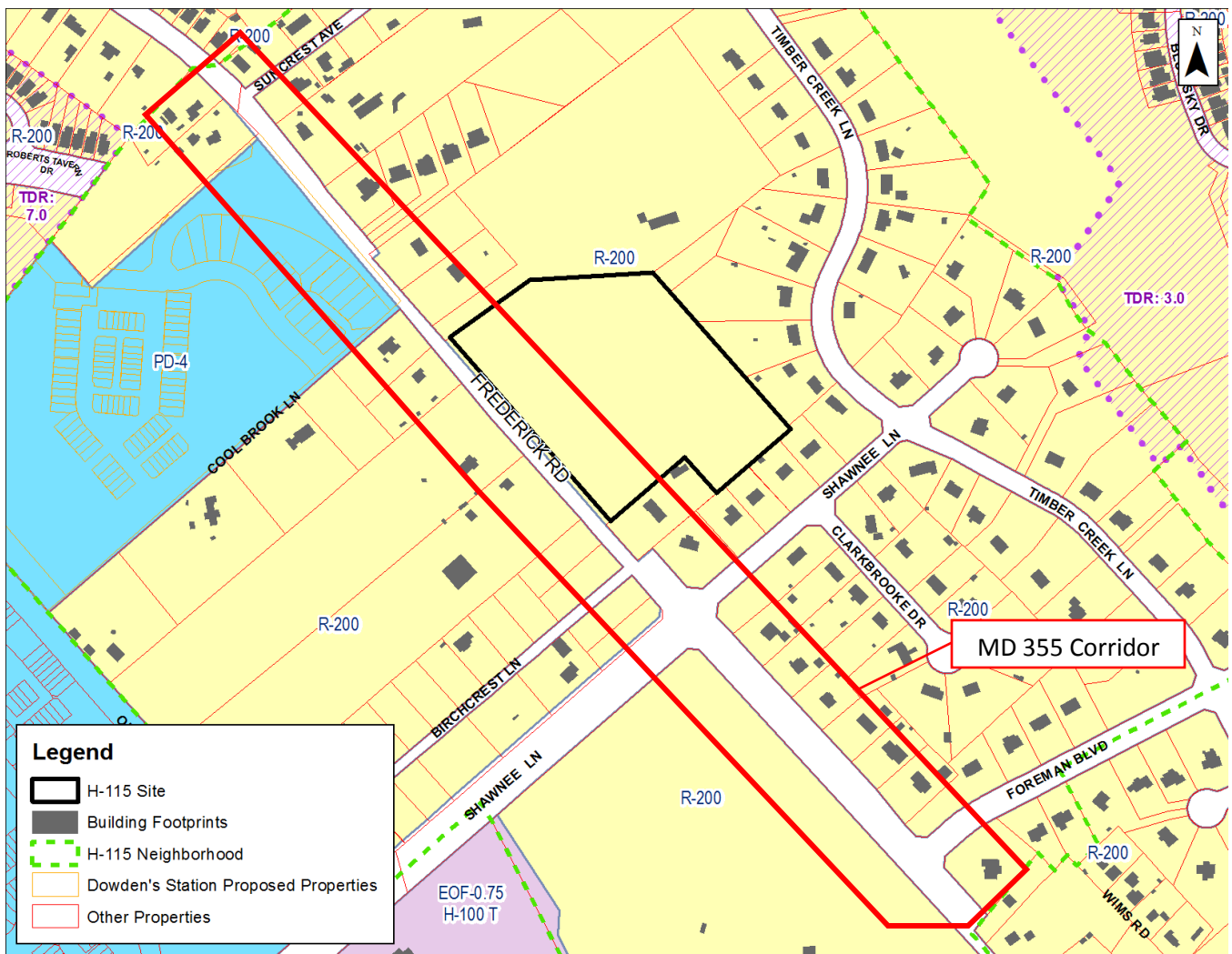


Figure 3. Existing development near the site. The MD 355 Corridor has been called out to emphasize the character of development along that road. The property lines for Dowden's Station are approximate.

As Figure 3 shows, the developed properties surrounding the site are characterized by single-family detached houses on lots generally between one-half and one acre, with a couple houses on ten-acre lots.

III. ZONING HISTORY

- The 1958 Countywide Comprehensive Plan zoned the property R-R.
- The R-R zone was renamed R-200 by Zoning Text Amendment 73013 in October, 1973.
- The 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* (G-710) confirmed the Property's R-200 zone. The land use element of the Plan placed the Property in the "Transit Corridor District" (Figure 6 below) and recommended densities ranging from two to four units per acre.
- The zoning remained the same (R-200) with the District-wide rezoning in 2014 (District Map Amendment G-956).

The current zoning of the surrounding area is shown in Figure 4.

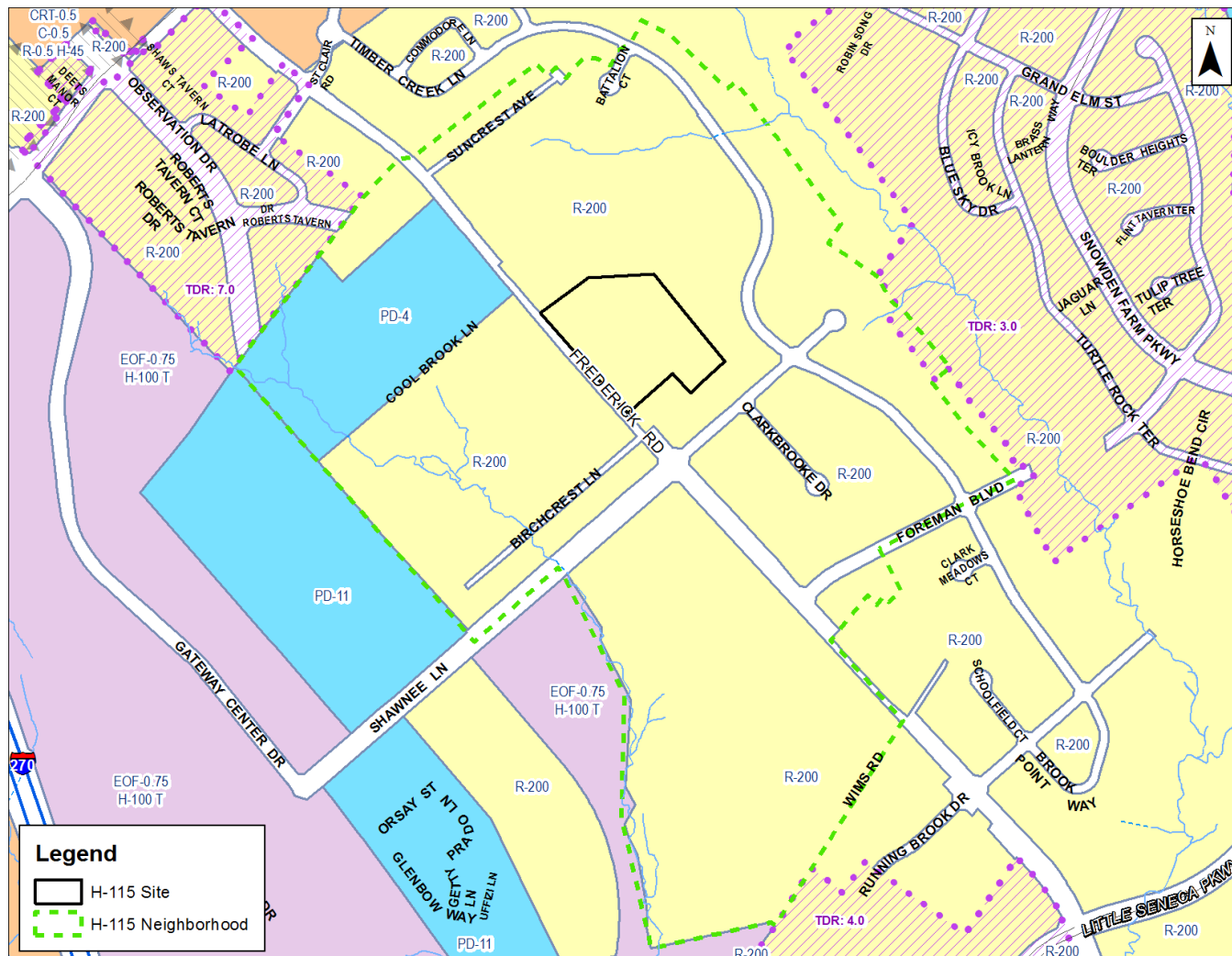


Figure 4. Current zoning in the surrounding area. The entire neighborhood is zoned R-200 with the exception of one site (Dowden's Station) that was rezoned PD-4.

IV. PROPOSAL

The Applicant is proposing to develop the property with 50 single-family homes: 34 detached units and 16 townhouses. The development, to be known as "Avalon," is shown in Figure 5.

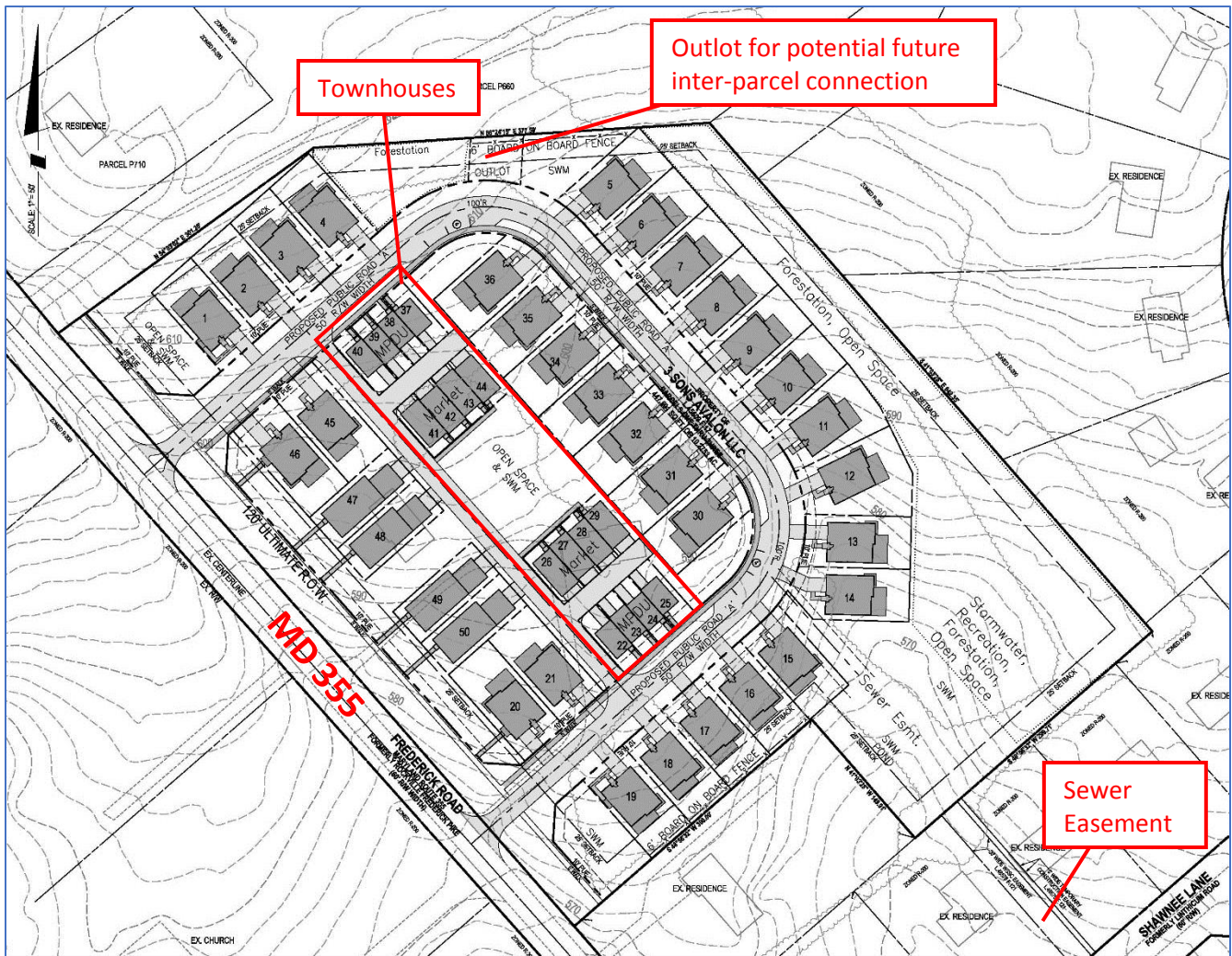


Figure 5. Proposed floating zone plan.

The proposed floating zone plan depicts a U-shaped public road serving inner and outer rings of front-loaded detached houses and a private street and alleys serving rear-loaded detached houses and townhouses. Eight of the townhouse units are proposed as Moderately Priced Dwelling Units (MPDUs). The site features an outlot that could be used to connect the proposed development to the northern neighboring property should that site redevelop.

The floating zone plan also shows a centrally located open space area and proposes two afforestation areas: one in the large open space behind the houses along the eastern boundary of the site and a smaller area along the site's northern boundary. Eight guest parking spots are proposed along the inner curves of the public road. Stormwater management facilities are spread throughout the site, with facilities in front of the houses along MD 355, abutting the afforestation area at the rear of the site, and in the central open space.

For the four front-loaded detached houses along MD 355 that will technically have their sides along that road, the applicant proposes using architectural treatments to give those houses the appearance of fronting MD 355. The other four houses along MD 355 will be rear-loaded and naturally face the road.

The public road will have two access points at MD 355. The southern access point will allow for full turning movement, while the northern access point will be limited to right-in/right-out turns only.

V. PUBLIC FACILITIES

A complete Adequate Public Facilities analysis will be required at the time of preliminary plan review. The property is in water and sewer categories that allow or anticipate development using public facilities. As noted below, policies currently in place can manage the impact of development on public schools. The submitted traffic study, discussed in the following transportation section, indicates that all studied intersections are operating within their Critical Lane Volumes. The preliminary plan must determine that the subject application will be adequately served by all public facilities.

Water and Sewer

The subject property is in the W-1 water service category and is currently served by public water running along MD 355.

The subject property is located within the Seneca Sewer Service area and the property is planned for sewer service with an S-3 sewer service category. Proposed sewer service to the property could connect to existing lines via Shawnee Lane through an easement the applicant has secured across an adjacent property. The outlot proposed by the applicant along the site's northern boundary could facilitate an inter-parcel connection for sewer service to the property to the north should it redevelop. WSSC and the Department of Environmental Protection will evaluate the feasibility of this sewer extension and compliance with the Ten Year Water and Sewer Plan during subsequent regulatory reviews.

Local water and sewer transmission and treatment capacity is adequate to serve the development.

Schools

The property is in the Clarksburg School Cluster. The FY 2017 Annual School Test found that school capacity in the Clarksburg School Cluster is adequate at all school levels. The school utilization rates for the cluster will be re-evaluated at the time of preliminary plan review.

Other Public Facilities

The Montgomery County Fire & Rescue Service operates an interim facility at 22610 Gateway Center Drive in Clarksburg, Maryland. This site is 1.2 miles from the subject property. On June 16, 2016, the Planning Board approved a mandatory referral (MR2012001) for a new Clarksburg Fire Station at 23420 Frederick Road, only 0.9 miles from the Property.

The subject property is in Montgomery County Police Department's 5th District. The 5th District station, located at 20000 Aircraft Drive in Germantown, is 5.5 miles from the site by road.

VI. MASTER PLAN

The Land Use Plan of the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* (“Master Plan”) places the Property in the Transit Corridor District, and more particularly in the “MD 355 Area.” (See Figure 6 on the right.) The Master Plan describes the Transit Corridor District as including “properties fronting MD 355 which have developed over many decades in accord with traditional patterns found elsewhere in the ‘Up-County’: single-family detached lots fronting the road. The most significant planning challenge here is to maintain and continue this residential character while addressing the need for increased traffic capacity along MD 355” (p. 54).

The relevant plan objectives for the Transit Corridor District are to:

- **Continue the present residential character along MD 355.**

The predominant pattern of development along MD 355 in this district is residential, with a majority of the homes fronting MD 355. To help reinforce the existing residential character along MD 355, this Plan recommends densities ranging from two to four units per acre.

- **Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain a residential character along MD 355.**

This Plan recognizes that MD 355 through this part of Clarksburg cannot remain a two-lane roadway in the long term given its regional significance in the northern part of the County. At the same time, widening of MD 355 to six lanes would be in direct conflict with the Plan objective to retain the road’s present residential character.

This Plan makes the following recommendations to achieve a balance between the need for increased carrying capacity and the desire to retain a pleasant residential character:

1. MD 355 should be reclassified from a major thoroughfare to an arterial street (maximum four lanes with a planted median).
2. An alternative north-south thoroughfare (Observation Drive) is recommended to help accommodate anticipated traffic.
3. MD 355 (Frederick Road) should be renamed Old Frederick Road.

- **Provide strong pedestrian and bicycle linkages to the greenway.** (p. 54-56)

The *greenway* refers to the proposed “Greenway Network” in the Master Plan. The portion of the greenway closest to the Property is referred to as the “Little Seneca Creek Greenway” in the Master Plan. This greenway is proposed to be 300 feet on each side of the stream. The subject property comes within 850 feet of the proposed greenway along the Town Center Tributary of Little Seneca Creek.

The Master Plan recommends the following housing mix for the MD 355 Area of the Transit Corridor District: 5-10% multi-family; 30-40% attached; 50-60% detached (p. 39).

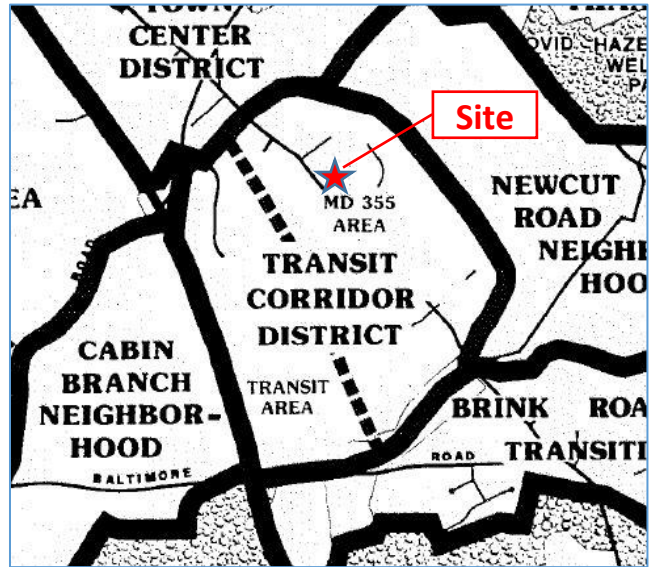


Figure 6. The location of the site within the Transit Corridor District in the Master Plan.

The Master Plan recommends retaining the existing residential zoning along MD 355 to retain the residential character of that road. (p. 104)

The site is located within the Master Plan's Transit Corridor District as shown in Figure 7. According to the Master Plan, the site is located in the area recommended for 2-4 units per acre within the Transit Corridor District. The site is not designated as a TDR receiving area and is not recommended for a floating zone.

The Master Plan gives no specific recommendations for the subject property.

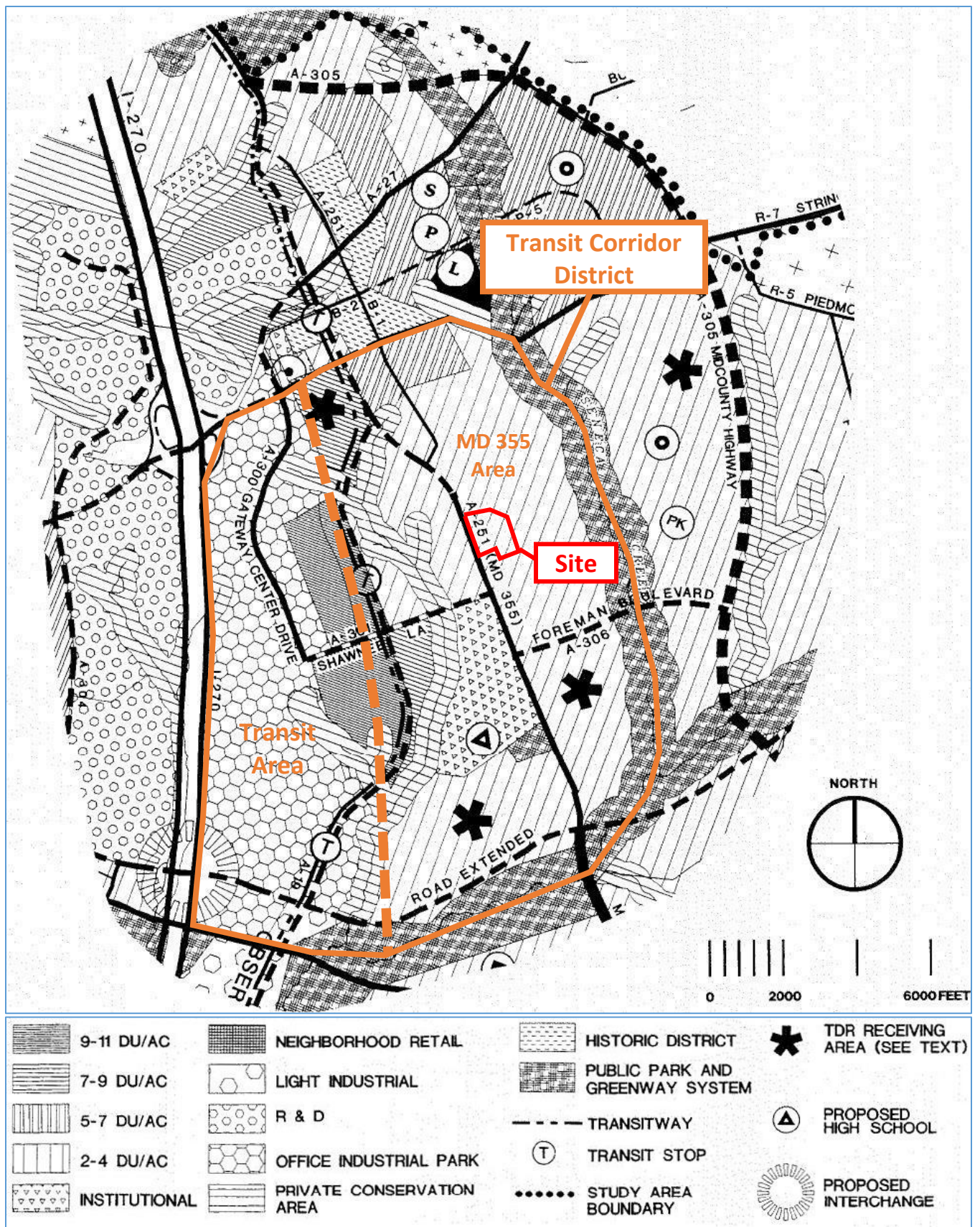


Figure 7. The Master Plan's land use plan drawing for the Transit Corridor District with the district sub-areas highlighted. The boundary between the sub-areas was approximated based on Figure 6 above.

The Master Plan recommends special environmental protections for Little Seneca Creek and states:

- Environmental concerns are the single most important reason why Clarksburg is proposed as a town rather than a larger corridor city. Densities proposed are intended to be high enough to support Plan objectives..., yet moderate enough to help reduce pressure on Clarksburg's environmental network. Achieving this rather delicate and imprecise balance is a difficult goal but one which must be achieved if Clarksburg's outstanding environmental setting is to be preserved.
- This Plan protects the most sensitive environmental resources by applying additional water quality review....
- This Plan... (i)dentifies those streams most likely to experience adverse water quality impacts from development and recommends special development guidelines to mitigate these effects and maintain high-functioning streams. (p. 18)

The Master Plan proposes “extraordinary mitigation for land uses which involve extensive impervious surfaces near sensitive headwater areas” in the Little Seneca Creek watershed east of I-270 (p. 138). The key protection strategy for the Little Seneca Creek sub-watershed states: “Little Seneca Creek warrants extraordinary attention to site layout, BMP integration, and construction practices to ensure maintenance of the healthy stream system. Most of the watershed's development should be covered by enhanced environmental guidelines” (p. 149).

To meet the environmental protections recommended in the Master Plan, the Clarksburg Special Protection Area (SPA) was established. SPAs are “geographic areas where identified sensitive environmental resources require measures beyond current standards to assure those resources are protected to the greatest extent possible from development activities” (p. 206). All tributaries draining to Little Seneca Creek are included in the Clarksburg SPA, and all run-off from the site flows towards one of these tributaries. The proposed development is located within this SPA.

VII. TRANSPORTATION

Section 7.2.1.B.g.v.(d) of the Zoning Code requires a Traffic Study under the Planning Board's LATR Guidelines if the incremental increase in vehicular peak-hour trips between the density of the base zoning and the density of the requested floating zone meets the minimum applicability requirement in the LATR Guidelines. The increase in traffic generated by the proposed development warrants such a study, hence, the applicant submitted a Traffic Study, dated July 29, 2016 and revised on October 28, 2016 to address Staff concerns with the site's northern access point, with the floating zone application.

Site Location and Vehicular Access Points

The site is located on the east side of MD 355 (Frederick Road) between Cool Brook Lane and Birchcrest Lane. The Applicant proposes two vehicular access points from MD 355 to/from a two-way semi-circular internal public street. During the preliminary plan review, the applicant must coordinate with MD SHA the details for the following items:

1. The alignment of the proposed southern access point in relation to the existing church driveway across MD 355.
2. Acceleration, deceleration, and turning lane requirements at the proposed access points.
3. Sight-distance requirements at both access points.

The applicant's original proposal called for both southern and northern access points from the neighborhood to MD 355 with full-access turning movements at both points. Staff concerns about the limited sight distance due

to the crest of a hill to the north and proximity to the northern MD 355 access point for the site's northern neighbor (P660, the "Winter Property") led to a second proposal with a single southern access point and a "hammerhead" terminus of the public street instead of a northern access point (see Figure 8 below). Eliminating the northern access point would have the added benefit of reducing the number of future curb cuts along MD 355, which is important given the planned divided road here (discussed in Transportation section below).

Subsequent discussions between the applicant and Montgomery County Department of Transportation (MCDOT) staff indicated that the proposed terminus would not be an acceptable permanent solution, leading the applicant to propose a third solution, shown in Figure 8 below.

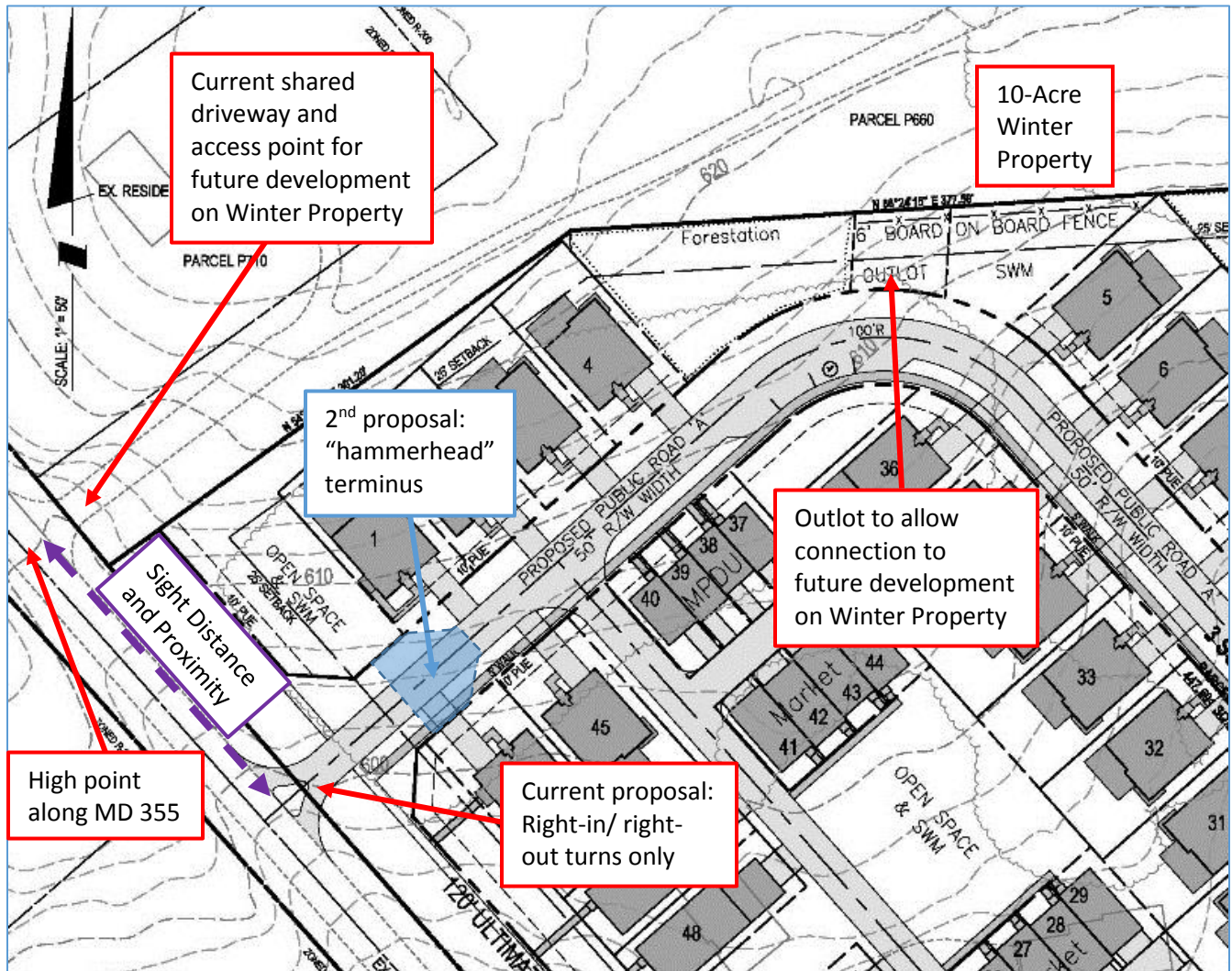


Figure 8. Access point issues addressed by plan. The applicant revised the plan at Staff's request to eliminate the originally proposed northern access point for the neighborhood due to poor sight distance to the north on MD 355 and for being too close to the access point for the Winter Property, especially if that property were to one day be redeveloped in a similar manner to the proposed plan. The third proposal, shown here, replaced the proposed "hammerhead" terminus of the public road with a right-in/right-out connection to MD 355.

The applicant has also proposed an outlot that could be used to provide an inter-parcel connection to the Winter Property should it one day be redeveloped. Such planning for future roads and interconnections of developable lands is required by the Subdivision Regulations.

The final configuration of the inter-parcel connection, termination of the public road, and northern access point will be resolved at the time of preliminary plan review.

Master-Planned Roadways, Bikeways, and Transitway

In accordance with the 1994 Master Plan, Frederick Road (MD 355) between Newcut Road Extended and Observation Drive is designated as a four-lane divided arterial, A-251, with a recommended 120-foot wide right-of-way and a Class I bikeway, B-3. The existing two-lane road has a right-of-way width of only 60 feet.

The 2005 *Countywide Bikeways Functional Master Plan* recommends a shared-use path, SP-72. The Frederick Road Bike Path mandatory referral (MR2015025) was approved in June 2015 to construct a 10-foot-wide shared use path along the west side of MD 355 across from the subject property.

The 2013 adopted *Countywide Transit Corridors Functional Master Plan* recommends Bus Rapid Transit Corridor No. 3, "MD 355 North," between the Rockville Metrorail Station and Clarksburg Town Center. The MD 355 North Corridor segment between Shakespeare Boulevard in Germantown and Redgrave Place is recommended for operating buses in mixed traffic within the master-planned 120-foot wide right-of-way. As regulatory reviews proceed, the Applicant must coordinate with MCDOT's Rapid Transit System Development Coordinator regarding the Bus Rapid Transit corridor along Frederick Road.

The other nearby roadways and bikeways are designated as follows:

1. Shawnee Lane is designated as a four-lane divided arterial, A-301, with a recommended 120-foot wide right-of-way and a Class I (off-street) bikeway, B-17, that is not included in the *Countywide Bikeways Functional Master Plan*.
2. (Old) Frederick Road (currently MD 355) north of Roberts Tavern Drive is designated as a two-lane business street, B-1, with a recommended 50-foot wide right-of-way and a Class III (on-street) bikeway, B-5, through the historic district.
3. Roberts Tavern Drive between Frederick Road and Observation Drive is designated as part of the four-lane divided arterial, A-251, (and a bypass of the historic district) as described above. The MCDOT Phase I Facility Planning Study for Roberts Tavern Drive Extended (between Latrobe Lane and Frederick Road) was completed in 2010 but the Montgomery County Council did not recommend that it be funded for Phase II design.
4. Observation Drive south of Roberts Tavern Drive is designated as a four-lane divided arterial, A-19, with a recommended 150-foot right-of-way that includes a 50-foot wide transitway right-of-way, and a Class I (off-street) bikeway, B-16. The *Countywide Bikeways Functional Master Plan* recommends a shared-use path, SP-66, along Observation Drive. The Maryland Transit Administration (MTA) current "preferred alignment" of the Corridor Cities Transitway (CCT) along Observation Drive includes an exclusive busway within its right-of-way.

Pedestrian and Bicycle Facilities

There are no existing sidewalks or bikeways along the site frontage of Frederick Road. The development will be required to meet the applicable standards under the County's Streets and Road Code (Chapter 49) at the time of preliminary plan review. The applicant proposes a 5-foot wide sidewalk and tree panel along MD 355.

The internal public street is proposed to have 44-foot (with no parking) and 50-foot (with on-street parking) wide rights-of-way as a tertiary residential street. The applicant proposes a 5-foot wide sidewalk along the inside of the internal public street. The sidewalk is separated by a tree panel except adjacent to the parking spaces, which abut the sidewalk.

Available Public Transit Service

Currently, the only public transit route operating along the property's MD 355 frontage is Ride-On bus route 75. This route operates on weekdays between the Germantown Transit Center and destinations along Clarksburg Road (MD 121). The bus stop closest to the subject site is at the intersection of Frederick Road and Shawnee Lane approximately 500 feet from the proposed southern access point.

When the master-planned BRT on Frederick Road and nearby CCT on Observation Drive are built, these alternative non-single-occupancy-vehicle transportation modes will provide good north-south travel options. There is a planned BRT stop at Frederick Road and Shawnee Lane and there is a planned CCT stop at Observation Drive and Shawnee Lane. The CCT stop is another 1,500 feet from the BRT/bus stop, or 2,000 feet from the entrance to the site.

Local Area Transportation Review (LATR)

The proposed 34 single-family detached units and 16 attached units generate the following number of peak-hour trips:

- 40 peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.)
- 51 peak-hour trips within the weekday evening peak period (4:00 and 7:00 p.m.)

A traffic study was submitted to satisfy the LATR test because the total number of site-generated peak-hour trips is 30 or more. Based on the traffic study results, the Critical Lane Volume (CLV) values at the studied intersections are shown in the table below for the following traffic conditions:

- Existing: The current traffic condition.
- Background: The existing condition plus the trips generated from approved but un-built nearby developments.
- Total: The background condition plus the additional site-generated trips based on proposed residential development.

Table 1. Critical Lane Volume (CLV) measurements at intersections near the proposed site and at the proposed site access points.

Studied Intersection	Traffic Condition					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Frederick Road & Stringtown Road	1,086	914	1,339	1,124	1,364	1,125
Frederick Road & Foreman Boulevard	816	855	909	954	914	959
Frederick Road & Northern Site Access	n/a				546	711
Frederick Road & Southern Site Access					541	735

As indicated in Table 1 above, the calculated CLV values do not exceed the CLV standard of 1,425 for the Clarksburg Policy Area, and thus, the LATR test is satisfied. No intersection improvements are required.

Policy Area Review

Under the current 2012-2016 Subdivision Staging Policy, the subject site is located within the Clarksburg Policy Area for the Transportation Policy Area Review ("TPAR") test. For the current TPAR test for the Clarksburg Policy

Area, the *roadway test* is adequate, but the *transit test* is inadequate. Therefore, the Applicant must make a TPAR mitigation payment equal to 25 percent of the General District Transportation Impact Tax. The adequacy of the *roadway and transit tests* in the Clarksburg Policy Area will be reanalyzed and may be different at the time of preliminary plan review. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

VIII. ENVIRONMENT

Environmental Guidelines

The Property is located within the Clarksburg Special Protection Area (SPA) and the Little Seneca Creek watershed, a Use Class IV-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this watershed as good. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved on December 5, 2012 and was recertified on January 5, 2015. There are no streams, floodplains, or wetlands (or their buffers) on the site. This proposal will be subject to a water quality plan and a forest conservation plan at the time of preliminary plan review.

The Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. The Planning Board's responsibility is to determine conformance with environmental guidelines and forest conservation, and to minimize impervious surfaces as much as possible. DPS's responsibility includes stormwater management, water quality protection, and monitoring the resulting best management practices.

Conformance with Environmental Guidelines

The Environmental Guidelines in Montgomery County recommend enhanced protection of streams, wetlands, and other sensitive natural areas within Special Protection Areas. The subject property is located near a knoll along MD 355 and contains no sensitive features to protect. The NRI/FSD expires on January 5, 2017.

Forest Conservation

Although many trees grow on this upland site, no part of the site qualifies as existing forest. Therefore, the forest conservation requirement will be met by planting approximately 1.5 acres of forest. This planting should occur onsite with a priority of extending small patches of forest and including large trees that exists on or adjacent to the subject property. Mitigation requirements will be reviewed as part of the preliminary plan application.

The proposed 50-foot wide forest planting area shown on the plan along the northeastern site boundary meets the minimum requirement to be categorized as forest. However, experience has shown that narrow areas of newly planted forest near areas of heavy activity are not likely to survive in the long-term. These narrow easement areas are later abandoned at great cost. Another guiding policy is that rear-yard forest easements must be a minimum of 35-feet from house structures. Staff recommends that an appropriate fence along the rear property lines of the houses next to this forest buffer or some other protective measure be considered during the time of Forest Conservation Plan review.

There are several large and specimen trees on or adjacent to the subject property. Subsequent regulatory reviews will include evaluation of all natural resources on the site and may include mitigation requirements.

Imperviousness

The Clarksburg SPA, which was created following approval of the 1994 Clarksburg Master Plan and subsequently amended, specifies no maximum imperviousness cap in this portion of the SPA. However, a primary goal for new development in all SPAs is to reduce the area of impervious surfaces.

Planning Department analyses of existing developments indicates that properties zoned R-200 with public sewer service typically yield a 26% imperviousness level. Because there is no imperviousness cap within this portion of the Clarksburg SPA, Staff and the Planning Board consider the proposed density, site layout, circulation requirements, and sensitive environmental features when evaluating the appropriate imperviousness levels in rezoning cases.

The proposed floating zone plan does not include all imperviousness likely to be associated with this type of development since it is meant to approximate overall density rather than evaluate detailed site design. Therefore, it does not include road improvements to MD 355, additional parking, and other on-site amenities. (It should be noted that, while dedicated but unbuilt rights-of-way to be improved by other entities do not count towards a site's imperviousness cover, improvements such as sidewalks, access points, and turning lanes within such rights-of-way do.) Table 2 shows typical imperviousness yields for zones within this density range.

Table 2. Typical impervious cover for projects based on their zone.

Zone	Typical Impervious Cover
R-200 (sewer)	25.9%
PD-2	20-25.9%
PD-3	25.0%
PD-5	35.0%
PD-7	40.0%

Table 3 shows imperviousness yields within other recently built or approved developments in Clarksburg:

Table 3. Imperviousness levels at other Clarksburg developments. Note the general increase in imperviousness as density increases.

Development	Zone	Dwelling Units	Property Size (acres)	Density (DUs/acre)	Imperviousness Level
Dowden's Station	PD-4	105	24.37	4.31	30%
Eastside	PD-4	265	23.82	11.1	41%
Garnkirk Farms	PD-11	392	37.18	10.5	47.5%
Gateway Commons	R-200/TDR(7)	284	34.51	8.2	36%
Greenway Village	PD-4	844	210	4.0	34.5%
Highlands at Clarksburg	RMX-2	85	16.1	5.3	26.9%
	R-200	119	49.9	2.4	

Per the imperviousness exhibit provided by the applicant, the proposed floating zone plan contains 34% impervious surfaces. Staff is recommending a binding element to the plan to establish a goal of 35% imperviousness. This level is consistent with Greenway Village, rezoned PD-4, which allows a density similar to the requested TF-5 zone. Given the lack of sensitive environmental features on the site, staff believes establishing 35% as a target is appropriate for this site.

IX. EVALUATION AND FINDINGS

Section 5.1.2. Intent Statement

The Residential Floating, Commercial/Residential Floating, Employment Floating, and Industrial Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment (the Agricultural, Rural Residential, Residential, Commercial/Residential, Employment, Industrial, and Overlay zones). To obtain a Floating zone, an applicant must obtain approval of a Local Map Amendment under Section 7.2.1. The intent of the Floating zones is to:

A. Implement comprehensive planning objectives by:

- 1. furthering the goals of the general plan, applicable master plan, and functional master plans;*

As discussed above, the relevant Master Plan objectives for the Transit Corridor District are to:

- *Continue the present residential character along MD 355.*

The applicant's proposal meets the objective of continuing the residential character along MD 355 that was present in 1994 when the Master Plan was approved. As stated in the Master Plan, the Transit Corridor District "includes properties fronting MD 355 which have developed over many decades in accord with traditional patterns found elsewhere in the 'Up-County': single-family detached lots fronting the road. The most significant planning challenge here is to maintain and continue this residential character while addressing the need for increased traffic capacity along MD 355" (p. 54).

Figure 9 below highlights the MD 355 corridor within the plan neighborhood and shows the existing building outlines in the vicinity, as well as those proposed by the floating zone plan. The existing homes are spaced fairly widely along MD 355 and all are oriented to face that road. The single-family detached homes the applicant has proposed along MD 355 are reasonably well spaced, and are set back from the road a distance similar to other houses in the corridor. The townhouses proposed by the applicant are in the center of the site, surrounded on all sides by single-family detached units.

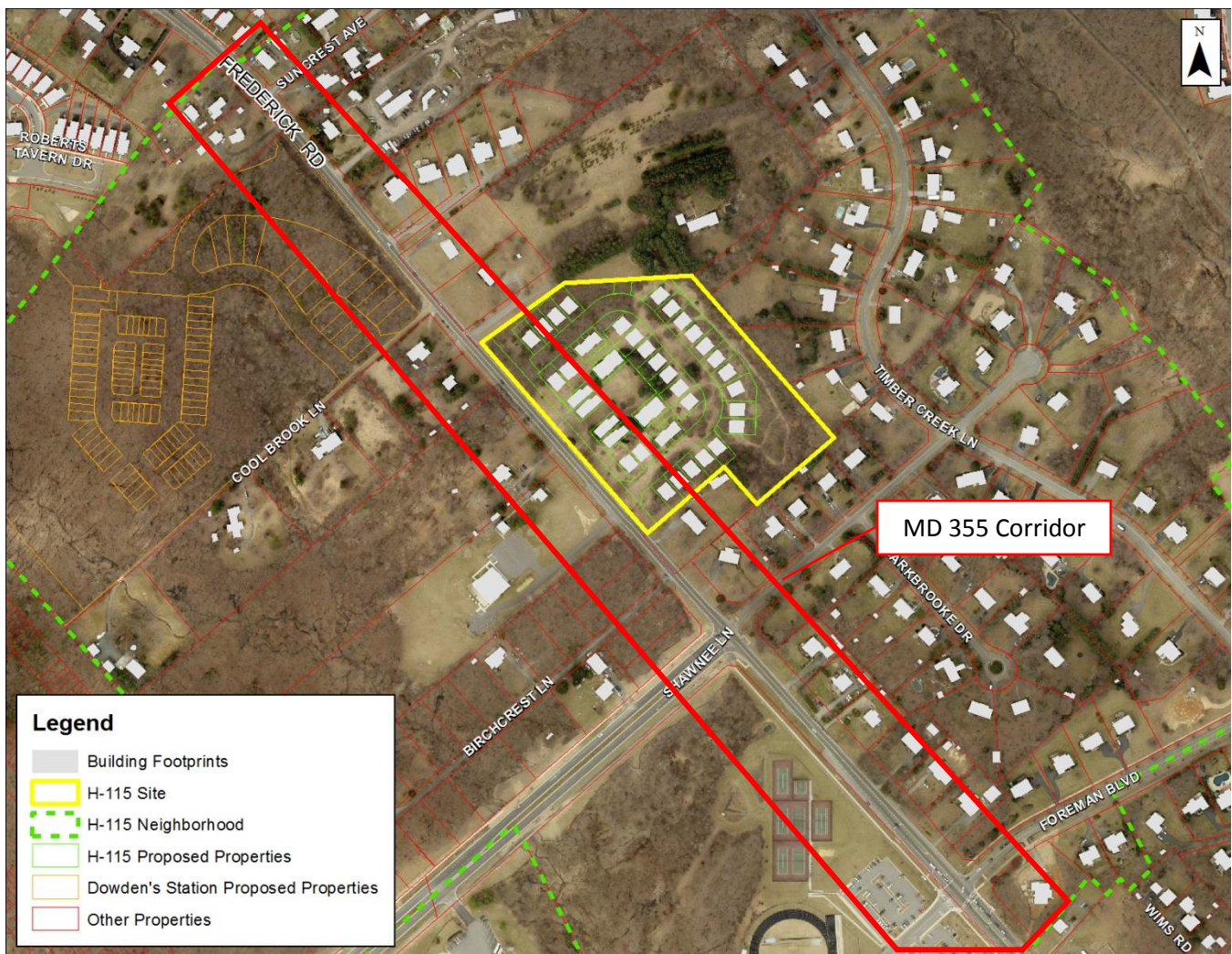


Figure 9. Map showing existing and proposed development along the MD 355 Corridor. Note the size, spacing, and setbacks of the houses north and south of the site on both sides of MD 355. [Note: Avalon at Clarksburg and Dowden's Stations proposed property lines are tentative.]

The floating zone plan proposes eight new detached single-family houses along Frederick Road. Four of these houses are rear-loaded from the proposed private street and will directly front MD 355, while four of them are front-loaded from the U-shaped internal street and have their sides along MD 355. The applicant proposes orienting the front doors of these front-loaded houses towards Frederick Road to maintain the residential character along the MD 355 corridor. The plan also spaces the single family detached units along MD 355 to continue the existing pattern of development along that road. Additional gaps between units along MD 355—provided by the U-shaped internal street and an opening towards the site's open space—help create variety in the spacing, which is also part of the character of this segment of MD 355.

- *Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain a residential character along MD 355.*

The proposed floating zone plan includes the required public dedication along MD 355 to accommodate the four-lane divided arterial street envisioned by the Master Plan. As discussed above, there are issues regarding the proposed northern access point onto MD 355 with respect to site distance and proximity to the access point of the property to the north that will be resolved at

the time of preliminary plan. Regardless, the plan dedicates the required right-of-way to allow for increased carrying capacity along this portion of MD 355.

The applicant only proposes single-family homes, which retains the residential character along MD 355.

- *Provide strong pedestrian and bicycle linkages to the greenway. (p. 54-56)*

At its closest point, the property is about 850 feet from the Master Plan greenway, and therefore cannot make a direct connection to the greenway. However, the site is directly across the street from the approved Frederick Road Bike Path (mandatory referral MR2015025), which will connect to the greenway. The applicant will need to show how the proposed development will link to the shared use path at the time of preliminary plan review; providing a safe crossing to the path would further this Master Plan goal.

2. *ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements;*

The proposed uses are in balance with and supported by the existing and planned infrastructure. The traffic study shows that the area streets can accommodate the projected trips generated. The property is currently within water category W-1 and sewer category S-3 and will be served by public water and sewer. The applicant has obtained a WSSC easement on a neighboring property to extend sewer service to the site. The FY 2017 Annual School Test shows the Clarksburg Cluster utilization rate to be adequate. A full Adequate Public Facilities review will be conducted at preliminary plan review.

3. *allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property.*

The applicant's proposed right-in/right-out northern access point helps integrate the development into the existing vehicular circulation network. A proposed inter-parcel connection will also facilitate connections when adjacent properties develop.

The floating zone plan will create a neighborhood that is integrated with the land use patterns of the surrounding neighborhood. Although the proposed lots are smaller than the immediately adjacent properties, the applicant has proposed a forested area along the back of the site to provide a buffer from the existing single-family lots along Shawnee Lane and Timber Creek Lane, and has proposed fences along the northern and southern boundaries next to the larger properties there. The orientation and spacing of the houses along MD 355 help to maintain the current pattern of residential single family dwellings along that road. Finally, the plan proposes single-family detached houses around the perimeter of the site and proposes the townhomes in the center. This layout helps to achieve the permitted densities while maintaining existing residential character. Staff recommends a binding element to the plan to ensure only single-family detached houses are built around the site's perimeter.

There are no significant natural features on or adjacent to the site requiring design flexibility to accommodate.

B. Encourage the appropriate use of land by:

1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;

Significant growth has occurred in Clarksburg as the 1994 Master Plan is implemented. While the immediate neighborhood of the subject property has changed very little in that time, many denser neighborhoods have been developed to the northwest (Gateway Commons), north (Highlands at Clarksburg), and east (Clarksburg Village) of the site, all less than a half-mile from the Property. See Figure 10 below. Garnkirk Farms, just outside the surrounding neighborhood, was rezoned from R-200 to PD-11 based on recommendations in the Master Plan for that site.

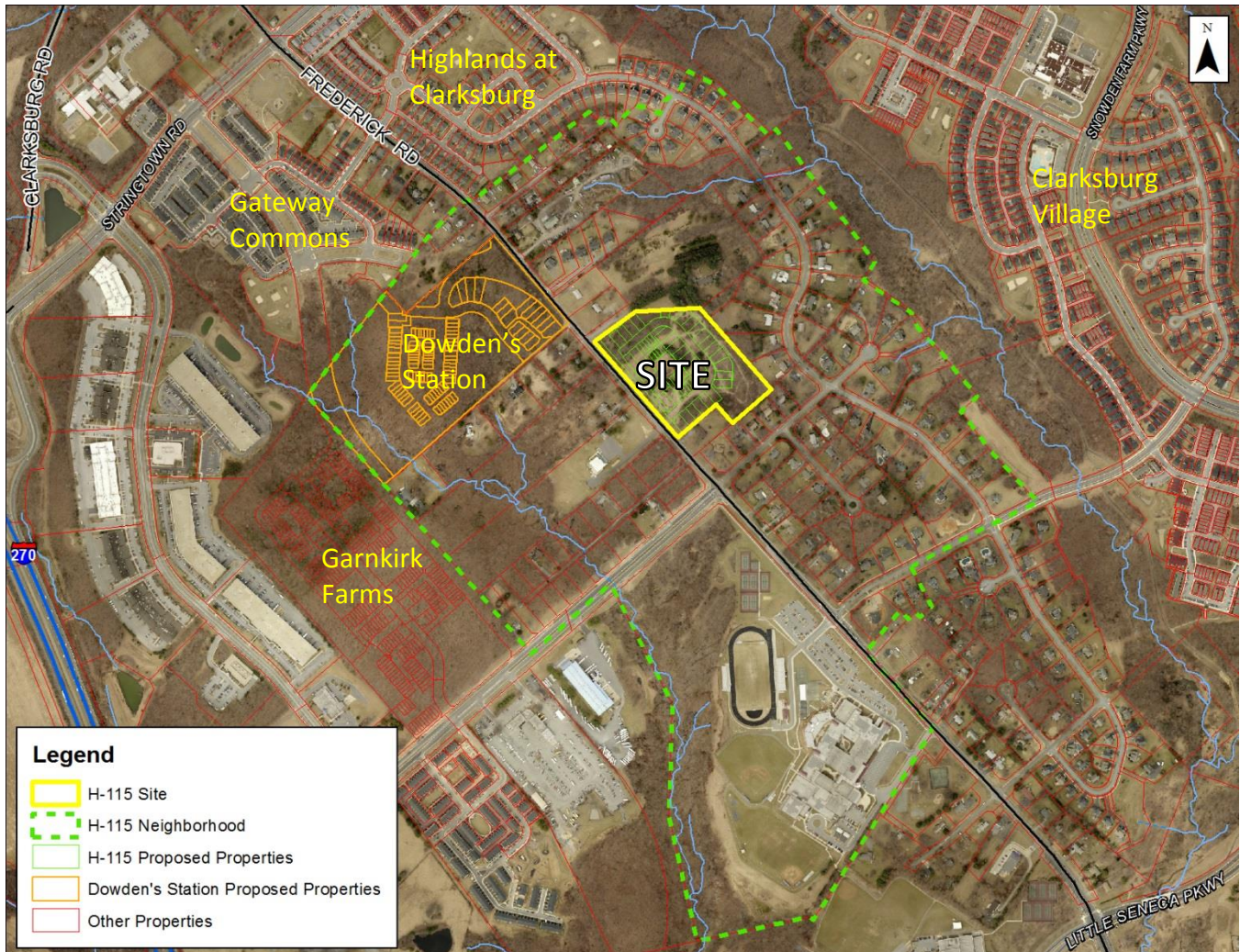


Figure 10. Map showing recently built or approved developments near the subject site. [Dowden's Station has been rezoned as PD-4, but the preliminary and site plans are still pending approval.]

Dowden's Station, which is within the surrounding neighborhood, was also recommended in the Master Plan at 2-4 units per acre. Dowden's Station was rezoned PD-4, giving the site a base density of 4 DUs per acre, in zoning case G-957. An additional 8% MPDU density bonus for providing 13.33% MPDUs yielded a final density of 4.31 units per acre.

Similarly, the proposed floating zone plan furthers recommendations of the 1994 Plan. The proposed TF-5 floating zone will have a base density of 4 DUs per acre in accordance with the Master Plan, and with

the bonus density for providing 16% MPDUs, will have a final density of 4.87 units per acre. (Note, unlike the PD zones, which establish the base density upon which additional MPDU bonus density is added, the TF zones establish the final overall density, including any bonus density for providing additional MPDUs; this makes the TF-5 zone somewhat equivalent to PD-4.)

2. *allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and*

To maintain the residential character of Frederick Road, the Master Plan recommends retaining the existing residential zoning along MD 355 (p. 104) and recommends two to four dwelling units per acre for this part of the planning area. The allowed bonus density of 22% for providing 15% MPDUs on top of the Master Plan's maximum recommendation of four units per acre yields a final possible housing density of 4.88 units per acre; the applicant is proposing a final density of 4.87 units per acre.

The Land Use Plan of the Master Plan recommends the following housing mix for the MD 355 Area of the Transit Corridor District: 5-10% multi-family; 30-40% attached; 50-60% detached (p. 39). The proposed plan provides both attached and detached single-family houses to serve a diverse population. Given that there are currently no attached single-family houses in the MD 355 Area of the Transit Corridor District other than those approved for Dowden's Station, this plan will help achieve the Master Plan's housing mix target.

3. *ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation.*

The subject property lies within the Clarksburg Special Protection Area. As discussed in the environmental section above, although there is no specified imperviousness cap within the SPA, Staff and Planning Board have historically used the typical impervious yield of the underlying zone as a goal in rezoning cases. The requested floating zone plan is intended to approximate overall density and does not include road improvements to MD 355 and other site amenities that will be included at preliminary plan and site plan review. According to an exhibit provided by the applicant, the plan has an impervious level of approximately 34%. Although this exceeds the typical 26% level found in the R-200 zone when sewer service is provided, Staff notes that there are no stream buffers, wetlands, or other significant environmental features on the site, and believe that the proposed binding element of a 35% target is appropriate.

While the LMA is not subject to a finding of conformance to Chapter 22A (the Forest Conservation Law), the applicant proposes two areas of onsite afforestation to meet the estimated 1.5 acres of forest planting that will be required per Chapter 22A, the County's Forest Conservation Law. Staff supports the large, contiguous afforestation area from the northeastern border to the southeastern border of the site, which would connect to any forested areas on adjacent properties. The 50-foot wide strip of afforestation proposed in this area along the northeastern site boundary should be widened if possible; although this strip meets the minimum width standard for a forest area, in practice encroachments into similar areas have made it difficult for the areas to develop into true forest areas. Additional measures may be required to protect the forest in this strip. Afforestation areas will be addressed at the time of preliminary plan review with the Forest Conservation Plan; any such areas will be required to comply with Chapter 22A.

C. *Ensure protection of established neighborhoods by:*

1. *establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;*

The floating zone plan proposes establishing compatible relationships with the existing surrounding neighborhoods through various site design elements. The orientation and spacing of houses along MD 355 continue the existing development pattern along the road in this area. The proposed forested area provides a buffer between the site and the adjoining lots to the south and east. The applicant only proposes residential uses on the site, which is consistent with the surrounding community.

The applicant proposes 50 units (42 market rate units and 8 MPDUs) on 10.2753 acres, which yields 4.87 units per acre (including the maximum 22% density bonus for providing at least 15% MPDUs). Nearby Dowden's Station was recently rezoned for a mix of townhouses and detached dwellings and for a final density of 4.31 units per acre. Although the proposed density is slightly higher than what was approved for Dowden's Station, this project does not contain the same environmental constraints faced by Dowden's Station, making the entire site available for development. 4.87 units per acre is an appropriate limit for a development on this site.

2. *providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and*

Development and general compatibility standards will be established at site plan, but site setbacks and overall height limits are established with the floating zone plan. The Applicant has proposed a site setback of 25 feet from the neighboring properties and a 40-foot height limit. Staff considers both development standards to be appropriate and to help protect the character of the adjacent neighborhoods by ensuring that the new houses are a sufficient distance away from existing houses, and will not be built at heights which will dwarf the existing homes. Both should be made binding elements of the plan.

3. *allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.*

The applicant does not propose a new use on the property.

Section 5.1.3. Applicability

- A. *A Floating zone must not be approved for property that is in an Agricultural or Rural Residential zone.*

Not Applicable.

- B. *If a Floating zone is recommended in a master plan, there are no prerequisites for an application. For properties with a master plan recommendation for a Floating zone for which an application can no longer be made as of October 30, 2014, the following table identifies the equivalent Floating zones for which an applicant may apply...*

Not applicable.

- C. *If a Floating zone is not recommended in a master plan, the following apply:*

1. *The maximum allowed density is based on the base zone and on the size of the tract as stated in Division 5.2 through Division 5.5. Any density bonus requested under Chapter 25A may be added to the density allowed under Division 5.2 through Division 5.5 and included in the units per acre or FAR of the zone requested.*

Division 5.2.5 (see below) establishes a maximum allowable base density of 4.36 units per acre. The applicant is requesting the maximum 22% density bonus allowed under Chapter 25A by providing at

least 15% MPDUs. This brings the total maximum allowable density to 5.32 units per acre in the R-200 zone for the tract size of the project.

Because the Master Plan recommends a maximum base density 4 units per acre, the applicant is proposing the same base density for this project instead of the allowed 4.36 units per acre. The maximum 22% density bonus for providing at least 15% MPDUs yields a final maximum density of 4.88 units per acre. The proposed 4.87 units per acre, which is within this limit established by the floating zone, is the basis for the requested TF-5 Zone. (The number after TF in the zone designation is for total density, including MPDUs and bonus density.)

2. Residential Base Zone

a. *When requesting a Townhouse Floating (TF) zone, Apartment Floating (AF) zone, or Commercial Residential Neighborhood Floating (CRNF) zone for a property with a Residential base zone:*

i. *The property must front on a nonresidential street or must confront or abut a property that is in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone;*

The property fronts on Frederick Road, which the Master Plan recommends “should be reclassified from a major thoroughfare to an arterial street” (p. 56). The 2010 Master Plan of Highways & Transitways confirms this portion of MD 355 as an arterial road.

ii. *The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D.*

The application satisfies at least 2 prerequisites for each category. See section D. below.

3. Non-Residential Base Zone

When requesting a Floating zone for a property with a non-Residential base zone there are no prerequisites for an application.

Not applicable.

D. Prerequisites

Category	Prerequisite Choices	Met
Transit & Infrastructure	At least 75% of the site is within ¼ mile of a Level 3, ½ mile of a Level 2, or ¾ mile of a Level 1 transit station/stop.	✓
	The site has frontage on and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.	
	The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.	
	All signalized intersections within ¼ mile of the site boundary are operating below the applicable congestion standard.	✓
	The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the	✓

Category	Prerequisite Choices	Met
	proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed.	
Vicinity & Facilities	The site is in a transitional location between property in an existing Residential Multi-Unit, Residential Townhouse, or non-Residential zone and property in a Residential Multi-Unit, Residential Townhouse, or Residential Detached zone.	
	The site is adjacent to a bicyclist route that provides access to commercial services within 3 miles.	✓
	The site is adjacent to a route that provides access to an existing or master-planned school within ½ mile.	✓
	The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board's Recreation Guidelines, as amended, within ¾ mile.	
	The site is adjacent to a pedestrian route that provides access to an existing grocery store or County-permitted farmer's market within ¼ mile.	
Environment & Resources	The limits of disturbance for the development will not overlap any stream, floodplain, wetland, or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.	✓
	The site does not contain any forest or, if forest is present, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point.	✓
	The site does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.	✓
	The site is on land containing contaminated soils and is developed in conjunction with an environmental Voluntary Cleanup Program under the Maryland Department of Environmental Protection.	
	The site is currently developed with more than 75% impermeable surfaces, including paving and roofed-structures, and does not currently provide stormwater management meeting the standards applicable on the date of filing.	

As shown in the table above, the application satisfies a minimum of 2 prerequisites under each of the 3 categories under Section 5.1.3.D. as follows:

- *Transit & Infrastructure*
 - *At least 75% of the site is within ¼ mile of a Level 3, ½ mile of a Level 2, or ¾ mile of a Level 1 transit station/stop.*

The entire site is within ½ mile of planned Corridor Cities Transitway station "Comsat" on Shawnee Lane at Observation Drive. The Zoning Code designates a station with "proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path" (p. 1-18) as being a level 2 station.

- *All signalized intersections within ¼ mile of the site boundary are operating below the applicable congestion standard.*

There are no signalized intersections within ¼ mile, so no signalized intersections within ¼ mile of the proposed development exceed the applicable congestion standard.

- *The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed.*

The project is not age-restricted or for senior housing. The development may generate students, but is not in an area under moratorium.

- **Vicinity & Facilities**

- *The site is adjacent to a bicyclist route that provides access to commercial services within 3 miles.*

Milestone Center, which is about 2½ miles from the Property just south of Ridge Road on MD 355, contains numerous commercial services. Mandatory Referral MR2015025 was approved on June 23, 2015 for the construction of a 10-foot wide shared-use path on the west side of MD 355 (across the street from the Property) for 2.5 miles of Frederick Road, from Stringtown Road in Clarksburg to 300 feet south of Milestone Manor Lane in Germantown.

- *The site is adjacent to a route that provides access to an existing or master-planned school within ½ mile.*

Clarksburg High School is less than ½ mile from the Property.

- **Environment & Resources**

- *The limits of disturbance for the development will not overlap any stream, floodplain, wetland, or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.*

According to the approved NRI/FSD, the site does not contain any streams, floodplains, wetlands, environmental buffers, or steep slopes.

- *The site does not contain any forest or, if forest is present, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point.*

According to the approved NRI/FSD, the site does not contain any forest.

- *The site does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.*

The Maryland Department of Natural Resources (DNR) issued a letter on October 16, 2012 indicating that DNR has no State or Federal records of rare, threatened, or endangered species (RT&E) or critical habitats on this site.

Section 5.2.2. Purpose

The purpose of the Residential Floating zones is to:

- A. allow flexibility in residential development, including site layout, lot size, and placement;

The floating zone plan proposes flexibility in residential development with a mix of attached and detached single-family units. The plan also proposes smaller lot sizes than would be allowed under the current R-200 zone.

- B. allow residential development of a certain size to provide limited accessory commercial uses for the daily needs of the community;

The plan does not propose any commercial uses.

- C. provide residential development that is compatible with the surrounding neighborhood.

As detailed above, the proposed development establishes compatibility with the surrounding neighborhood through unit orientation and spacing, placement of single-family detached houses, and forest buffers.

Section 5.2.5. Development Standards

- A. Density

1. Residential Density

- a. If a Floating zone is recommended in a master plan, residential density must not exceed that recommendation, except where MPDUs above the minimum required or TDRs are provided.

Not applicable.

- b. If a Floating zone is not recommended in a master plan and the base zone is Residential, the following residential density limits apply, calculated on site area:

Pre-Existing Euclidean Zone	Base Lot/Site Size	Base Density in Units per Acre	Maximum Allowed Density in Units per Acre		
			Less than 3 times the base lot/site size	3 to <6 times the base lot/site size	At least 6 times the base lot/site size
R-200	20,000 SF	2.18	2.18	3.27	4.36

The relevant row from the table in Section 5.2.5. is shown above. The site is well over six times the base R-200 lot size of 20,000 square feet, which allows a base density of 4.36 units per acre. The applicant is proposing a base density of 4.00 units per acre based on the Master Plan recommendation, which is within the density limits set by the Zoning Ordinance.

- c. If a Floating zone is not recommended in a master plan and the base zone is non-Residential, the following residential density limits apply, calculated on tract area:

Not applicable.

2. Commercial Density

Not applicable.

3. *Modifications by Applicant*

An applicant may limit density below the maximum allowed by Section 5.2.5.A to support the necessary findings of approval under Section 7.2.1.

The applicant does not need to limit density below the maximum allowed to support the necessary findings under Section 7.2.1.

B. *Setback and Height*

1. *If a Floating zone is recommended in a master plan, height must not exceed that recommendation.*

Not applicable.

2. *Setbacks from the site boundary and maximum height are established by the floating zone plan. All other setbacks are established by the site plan approval process under Section 7.3.4.*

The applicant proposes a setback from site boundary of 25 feet and a maximum building height of 40 feet. The underlying R-200 zone has a height limit of 40 feet when using the optional method development standards. The TLD (Townhouse Low Density) zone also has a height limit of 40 feet. Staff agrees that both the 25-foot site setback and 40-foot height limit are appropriate and are recommended as binding elements to the plan.

3. *Height must satisfy the compatibility standards for the applicable building type under Section 4.1.8.B.*

Section 4.1.8.B. applies to a property that abuts a Residential Detached zone that is vacant or improved with an agricultural or residential use (both are true here) and proposes any building type in a Floating zone.

Section 4.1.8.B.2.a. states:

When the subject property abuts a property in an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone that is vacant or improved with an agricultural or residential use, any structure may not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the abutting zone at the setback line determined by Section 4.1.8.A.

The applicant proposes a maximum building height of 40 feet for both the detached houses and the townhouses. The height allowed in the abutting R-200 zone using the standard method of development depends on the size of the lot. The proposed floating zone plan proposes development on several lots that abut R-200-zoned properties that have been improved with residential or agricultural uses. These floating zone plan properties abut two such improved lots, each at least an acre in size. For lots over 40,000 square feet, the maximum building height is 50 feet.

Since Section 4.1.8.A. provides no guidance in determining the rear setback line used to measure height compatibility, we must look elsewhere to determine height compatibility standards. It is reasonable to look at the standards for the Townhouse Low Density (TLD) Zone for guidance since the proposed development includes a mix of townhouses and detached single family homes, similar to the TLD zone. The TLD rear setback for a detached house using the optional method development standards is equal to the required setback for a detached house building type in the abutting zone under standard method (4.4.11.C.3), which in this case is 30 feet (Section 4.4.7.B.2). At a 30-foot setback line you would be allowed a 40-foot height. At the proposed 25-foot setback, a height of 35 feet would be allowed to maintain compatibility with the abutting properties.

C. *Lot Size*

Minimum lot sizes are established by the site plan approval process under Section 7.3.4.

The Zoning Code does not specify which development standards apply to this site. Staff recommends the Townhouse Low Density (TLD) Zone as the most appropriate zone to use for development standards, and will use the TLD lot size standards when reviewing the preliminary and site plans.

D. *Open Space*

Minimum open space must be provided as a percentage of the site area as determined by the most intense building type approved and density in units per acre.

Open Space Required				
Building Type	Minimum Open Space Required Based on Units per Acre			
	1-19 units/acre	20-39 units/acre	40-59 units/acre	60+ units/acre
Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use or conditional use allowed in the zone	0%	10%	10%	15%
Duplex	0%	10%	15%	20%
Townhouse	10%	15%	20%	25%
Apartment, Multi Use, or General Building	15%	20%	25%	30%

The applicant proposes 4.87 dwelling units per acre, which requires 10% minimum open space. The applicant proposes 10% open space (1.03 acres).

E. *General Requirements*

- Parking, recreation facilities, screening, and landscaping must be provided under Article 59-6 as required for the Euclidean zone that establishes uses under Section 5.2.3 for each applicable residential or commercial area.*
 - Division 6.2. (Parking, Queuing, and Loading) is applicable and must be followed during site plan review.
 - Division 6.3. (Open Space and Recreation) is applicable and must be followed during site plan review, although the amount of open space is determined by the preceding section.
 - Division 6.4. (General Landscaping and Outdoor Lighting) is applicable and must be followed during site plan review. Section 7.3.4.A.8. indicates a site plan is required for any residential townhouse zone. A landscape and lighting plan is required as part of site plan review.
 - Division 6.5. (Screening Requirements) only applies to standard method development. The proposed floating zone plan utilizes the optional method development standards; therefore, Division 6.5. is not applicable.

2. *The floating zone plan may provide for additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting to allow the District Council to make the necessary findings of approval under Section 7.2.1.*

The Applicant has proposed eight additional on-street parking spaces. The applicant has not proposed additional open space, recreation facilities, screening, or landscaping or further restrictions on lighting.

The design of the development will be finalized and reviewed by the Montgomery County Planning Board at the time of preliminary and site plan review. The Development Standards for the proposed TF-5 zone are shown in Table 4 below:

Table 4. Development Standards.

Development Standard	Required / Permitted	Proposed
Minimum Tract Area	20,000 SF	10.2753 acres (447,591 SF)
Maximum Density	-	-
Base Density	4 DUs/acre (per Master Plan)	4 DUs/acre
Final Density with MPDU Bonus	4.88 DUs/acre	4.87 DUs/acre
Number of Units	50	50
Detached Houses	-	34 (no MPDUs)
Townhouses	-	16 (8 MPDUs)
Minimum Building Setbacks from Site Boundary	Established by Floating Zone Plan	25 feet
Maximum Building Height	Established by Floating Zone Plan	40 feet
Lot Area/Lot Widths at Street and Front Building Line/Setbacks	-	TBD at Site Plan
Minimum Open Space	10%	10%
Minimum Parking	2 spaces per DU (market rate) 1 space per DU (MPDU) (84 spaces total)	2 spaces per DU (market rate) 1 space per DU (MPDU) Plus 8 visitor spaces (92 spaces total)

Section 7.2.1.E. Necessary Findings

1. *A Floating zone application that satisfies Article 59-5 may not be sufficient to require approval of the application.*

As shown above, the application satisfies the requirements of Article 59-5 and is sufficient for approval.

2. *For a Floating zone application, the District Council must find that the floating zone plan will:*
- a. *substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;*

As previously discussed, the proposed plan substantially conforms to the recommendations of the 1994 Clarksburg Master Plan and Hyattstown Special Study Area and other applicable County plans.

- b. *further the public interest;*

The proposed plan furthers the public interest by providing additional housing units and a mix of housing types as recommended by the Master Plan, and includes 8 MPDUs. The plan also provides for a future connection to the parcel adjacent to the site should that property ever redevelop, which furthers the public interest by providing greater connectivity and access options for general circulation and emergency vehicle access.

- c. *satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;*

The proposed project satisfies the intent and standards of the TF-5 zone, as stated under previous sections of this report.

- d. *be compatible with existing and approved adjacent development;*

As discussed above, the proposed floating zone plan establishes compatibility with the existing adjacent through unit orientation and spacing, height restriction, site setback, and forest buffers.

- e. *generate traffic that does not exceed the critical lane volume or volume/ capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and*

The Traffic Study indicates that the traffic generated by the proposed development will not exceed the critical lane volume standard.

- f. *when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.*

Not applicable.

3. *For a Euclidean zone application, the District Council must find:*

Not applicable.

Other Findings

Many of the issues that have come up during Staff's review of the proposed floating zone plan relate to the eventual need of obtaining preliminary and site plan approval after the floating zone has been approved. These issues relate to site layout, neighborhood compatibility, open space, circulation, transportation, water quality, and forest conservation. Many of the matters that will be resolved during these subsequent approvals may require substantial changes to the proposed plan, making it difficult to foresee what will eventually be built on the site versus what has been proposed in the floating zone plan.

Two related major issues that will need to be addressed at preliminary plan concern the property to the north of the site and the northern access point on MD 355 proposed by the floating zone plan. The adjacent property to the north of the subject site is nearly identical in size to the subject site, and Staff believes it is important to

consider the possibility that the parcel will eventually be redeveloped, and thus feels the floating zone plan should include provisions that would allow for a future ROW and sewer connection to the property. This adjacent property also has an ideally located connection to MD 355 at the crest of a hill, which would resolve site-distance concerns for the proposed northern MD 355 access point. It is also important to consider minimizing curb cuts along MD 355 given the Master Plan recommendation of a four-lane divided road for this segment of the road. The applicant has provided an outlot between the U-shaped public road on the site and the property to the north to allow for a future inter-parcel connection. The final configuration of this access point will be determined at preliminary plan.

X. COMMUNITY CONCERNS

Staff has received a letter in support of the proposed rezoning.

XI. RECOMMENDATION

Staff recommends approval of the proposed plan for the following reasons:

- The plan substantially conforms to the applicable master plan.
- The plan furthers the public interest by providing the mix of housing types as recommended by the Master Plan, by providing MPDUs, and by allowing for future connectivity to the adjacent property.
- The plan satisfies the intent and standards of the proposed TF-5 zone.
- The proposed development establishes compatibility with the existing adjacent development through unit orientation, spacing, height, site setback, and forest buffers.
- The proposed development will not exceed the critical lane volume standard.
- The proposed imperviousness level will further the Master Plan's goals for reducing imperviousness in Clarksburg.

XII. ATTACHMENTS

1. Plan drawing
2. Impervious Surface Exhibit
3. Maryland SHA letter
4. Montgomery County DOT's response letter to Maryland SHA letter
5. Letter of Support from Ibi Teleki Sofillas

The original of this drawing document was prepared by Soltesz, Inc. (SOLTESZ). If this document was not obtained directly from SOLTESZ and/or it was transmitted electronically, SOLTESZ cannot guarantee that unauthorized changes and/or alterations were not made by others. If verification of the information contained herein is needed, contact should be made directly with SOLTESZ. SOLTESZ makes no warranties, express or implied, concerning the accuracy of any information that has been transmitted by electronic means.

AVALON RESIDENTIAL		
Zoning	Existing	Proposed
	R-200	TF-5 (Townhouse Floating)
	Required/Allowed Zoning Ordinance Development Standards	Proposed Zoning Ordinance Development Standards
Site Area:		
Gross Tract Area:	N/A	10.28 acres
Density of Development:		
Maximum allowed density	4.36 D.U./AC. or 44.7 D.U.	4.87 D.U./AC (With Bonus Density)
Density with MPDU Bonus (22%)	44.7 x 1.22 (MPDU Bonus Density) = 54.5	50 D.U.
Unit Types:		
Detached house (front-load)		30 D.U.
Detached house (rear-load)		4 D.U.
Townhouse (Market Rate)		8 D.U.
Townhouse (MPDU)		8 D.U.
Total Number of Units		50 D.U.
Zoning Standards		
Setback from Site Boundary		25 feet
Detached house		
Min. Lot Area	-	TBD at Site Plan
Min. Lot Width at Street Front	-	TBD at Site Plan
Maximum Building Height	-	40 feet
Parking	2 spaces/lot	66 spaces
Townhouse		
Min. Lot Area (Market Rate)	-	TBD at Site Plan
Min. Lot Area (MPDU)	-	TBD at Site Plan
Min. Lot Width at Street Front	-	TBD at Site Plan
Maximum Building Height	-	40 feet
Parking (Market Rate)	2 spaces/lot	16 spaces
Parking (MPDU)	1 space/lot	8 spaces
Parking (visitor)	-	8 spaces
Open Space (5.2.5.D)	10% or 1.03 Acres	10% or 1.03 Acres

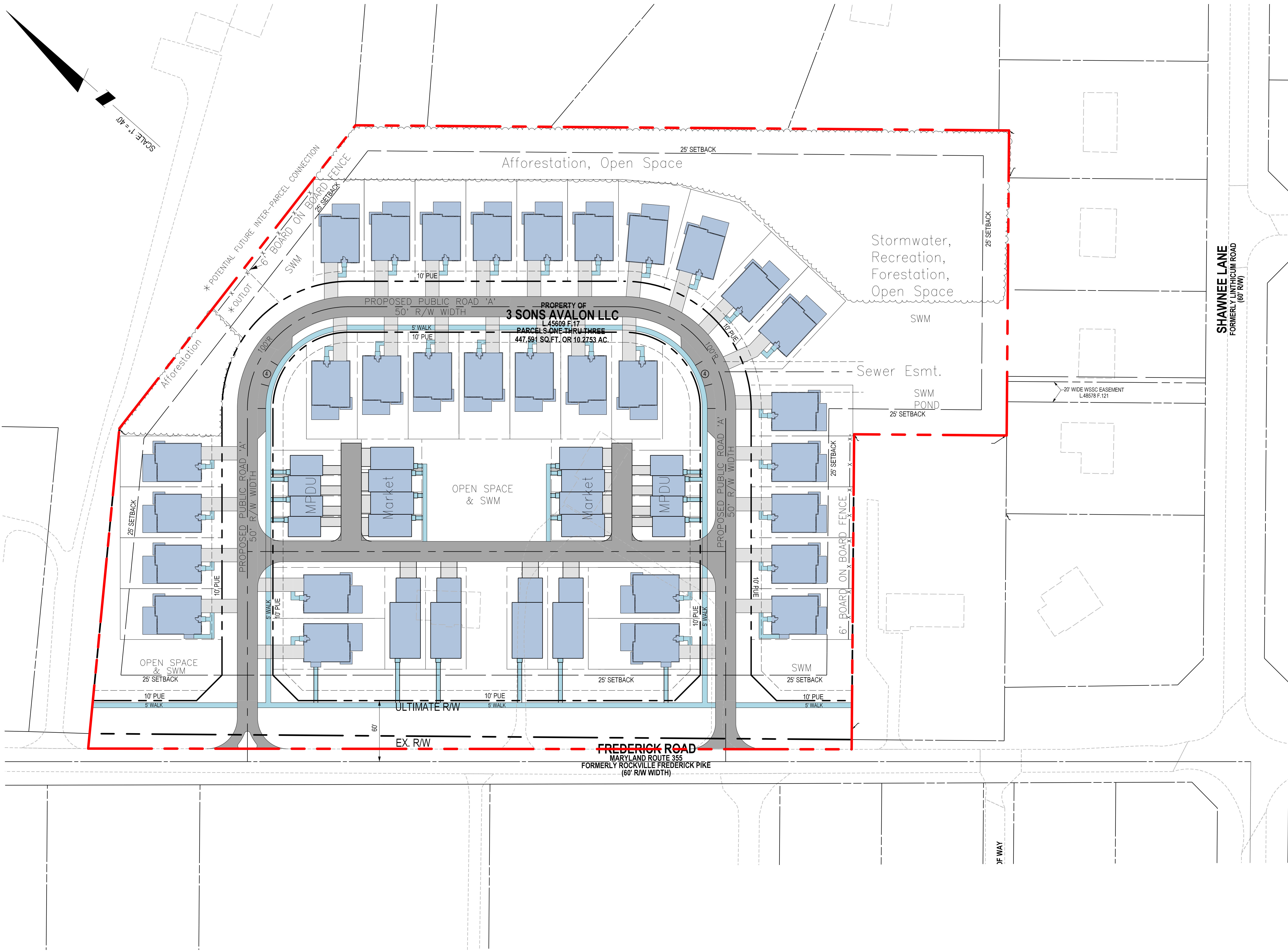
PROJECT NO.	3337-00-00
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Q:\33370000\PRE\12016-1028 Avalon\1 MA\12016-1028 Avalon\1 MA.shl Scale= 50.0000 ft / in User= AHamden PlTdrv= PDF Grey 150 c/pt60 Penth= TEXT SUR IN 11/2/2016 1:13:50 PM

A circular professional engineer seal for the State of Maryland. The outer ring contains the text "STATE OF MARYLAND" at the top and "PROFESSIONAL ENGINEER" at the bottom, separated by two stars. Inside the ring, the name "THOMAS MICHAEL CHICA" is written in a circular path. In the center is a crest featuring a shield with a ship, flanked by two figures, and topped with a sunburst. Below the crest, the text "NO. 11194" and "REGISTERED" are printed.

2ND ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

The original of this drawing document was prepared by Soltesz, Inc. (SOLTESZ). This document was not obtained directly from SOLTESZ and/or it was transmitted electronically. SOLTESZ cannot guarantee that unauthorized changes and/or alterations were not made by others. If verification of the information contained herein is needed, contact should be made directly with SOLTESZ. SOLTESZ makes no warranties, express or implied, concerning the accuracy of any information that has been transmitted by electronic means.



IMPERVIOUS COVERAGE TABLE	
TOTAL TRACT AREA PER M-NCPPC ENVIRONMENTAL GUIDELINES: 10.4838 AC	
---	TOTAL TRACT AREA
	1.95 AC BUILDINGS
	0.93 AC ROADWAY
	0.42 AC DRIVEWAY
	0.30 AC SIDEWALK / STOOPS
TOTAL 3.60 ACRES IMPERVIOUS AREA	
3.60 AC IMPERVIOUS / 10.4838 AC SITE AREA = 34.3% IMPERVIOUS	



Engineering
Surveying
Planning
Environmental Sciences

ROCKVILLE OFFICE
2 Research Place, Suite 100
Rockville, MD 20850
P. 301.948.2750 F. 301.948.9067

Rockville
Lanham
Waldorf
Leondtown
Frederick
Soltesz DC, LLC

NO.		REVISIONS		BY		DATE	
1		OCT. 31, 2016					
DESIGNED:		CAD STANDARDS VERSION:		V5 - 2009		CHECKED:	
		TECHNICIAN:					

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DRIVING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-251-7777 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER/DEVELOPER/APPLICANT

3 SONS AVALON, LLC
2 RESEARCH PLACE
SUITE 100
ROCKVILLE, MD 20850
PHONE 4301-948-2750
FAX 4301-948-9067
JIM SOLTESZ

MAP 4928	GRID G3, H3
TAX MAP EW, 41	ZONING CATEGORY: EXISTING R-200 / PROPOSED TF-5
WSSC 200' SHEET 232NW13	XXXX
SITE DATUM	XXXX
HORIZONTAL: NAD83	
VERTICAL: NAD83	

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 11194 EXPIRATION DATE: 11-21-2018

IMPERVIOUS EXHIBIT

AVALON RESIDENTIAL
P. 801, P. 830, P. 765

2ND ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND



1" = 40'

SHEET 1
OF 1

PROJECT NO.
3337-00-00

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

August 29th, 2016

Mr. Greg Leck
Montgomery County Department of Transportation
101 Monroe Street, 10th Floor
Rockville MD 20850

Dear Mr. Leck:

Thank you for the opportunity to review the Traffic Impact Study (TIS) prepared by The Traffic Group, dated July 29th, 2016 (received on August 8th, 2016), for the Avalon at Clarksburg development – 16APMO030XX located on MD 355 (Mile Point 22.07) in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- Proposed access to the 32 single-family detached units and 22 attached townhouses is via two (2) full movement points along MD 355.
- The following intersections were analyzed under existing, background and future conditions:
 - MD 355 at MD 121/Stringtown Rd.
 - MD 355 at Foreman Blvd
 - MD 355 at North Site Access
 - MD 355 at South Site Access
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Based on the information provided, please address the following comments in a point-by-point response:

My telephone number/toll-free number is [410-545-0400](tel:410-545-0400) or [1-800-206-0770](tel:1-800-206-0770)
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Mr. Greg Leck
SHA Tracking No.: 16APMO030XX
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8/31/2016

Regional and Intermodal Planning Division (RIPD) Comments (Provided by: Matt Baker):

1. The State's fiscally constrained FY 2016-2021 Consolidated Transportation Program (CTP) includes projects under construction and/or development and evaluation. The CTP includes the MD 355 (Wisconsin Avenue/Rockville Pike/Hungerford Drive/Frederick Road/Frederick Avenue) bus rapid transit (BRT) planning study, a study of improvements necessary to implement BRT along MD 355 between the Bethesda Metro Station, and Redgrave Place, Clarksburg, which includes this development site. MDOT initiated planning in the summer of 2014. Neither design nor construction is funded. If and when construction is funded, improvements may affect right-of-way of the subject property.
2. The State's fiscally unconstrained Highway Needs Inventory (HNI), the State's long-range plan, includes projects that are critical to Maryland's transportation needs. The HNI includes 3.7-mile MD 355 multilane reconstruction/construction from MD 27 (Ridge Road) to Snowden Farm Parkway. If and when such improvements proceed, they may affect right-of-way.
3. The June 1994 Maryland-National Capital Park and Planning Commission (M-NCPPC) Clarksburg Master Plan and Hyattstown Special Study Area, as amended, in which this development lies, includes no projects affecting SHA facilities analyzed in this TIS.
4. Montgomery County RideOn serves the development site. All roadway improvements to SHA roadway facilities should provide for and maintain full ADA-compliant access to existing and future transit facilities.
5. The March 2005 M-NCPPC Countywide Bikeways Functional Master Plan, as amended, includes no project effecting SHA facilities analyzed in this TIS. Nonetheless, all roadway improvements to SHA roadway facilities should provide for and maintain bicycle facilities as well as full ADA-compliant pedestrian facilities.

Data Services Engineering Division (DSED) Comments (Provided by: Elisa Mitchell):

1. The traffic volumes on MD 355 Southbound during the AM peak hour is significantly lower than expected based on volumes from Maryland State Highway Administration (SHA) Traffic Monitoring System (TMS). Please review and revise.

Traffic Development & Support Division (TDSD) Comments (Provided by: Eric Waltman):

1. A 95th-percentile queuing analysis should be included as part of the TIS. Of particular concern are the turning movements where the development is expected to add 25 or more peak hour trips:
 - a. The northbound MD 355 left-turn at MD 121 during the AM peak, and
 - b. The eastbound MD 121 right-turn at MD 355 during the PM peak.

Mr. Greg Leck
SHA Tracking No.: 16APMO030XX
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8/31/2016

2. From an intersection capacity perspective, the site could be adequately served with a single point of access given the relatively low trip generation potential. A single point of access would enhance safety along the MD 355 corridor by eliminating redundant turning movements/conflict points.

District 3 Traffic Comments (Provided by: Jack Goode):

1. Review Section 13 – Standard Site Access Improvements of SHA Access Manual for consideration of auxiliary lanes along MD 355 at the two (2) proposed site entrances. MD 355 is only a 2-lane roadway with minimal shoulder widths.
2. Provide a recommendation for sidewalk along the property frontage for future connectivity.

Please submit a CD containing the revised traffic impact study, all supporting documentation, and a point-by-point response addressing the comments noted above to Pranoy Choudhury. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Pranoy Choudhury at 301-513-7325, by using our toll free number in Maryland only at 1-800-876-4742 (x7325) or via email at pchoudhury@sha.state.md.us.

Sincerely,



Brian W. Young,
District Engineer, District 3, SHA

BWY/kh

cc: Matt Baker (RIPD)
Jack Goode (District 3 Traffic)
Elisa Mitchell (OPPE – TFAD)
Eric Waltman (OOTS – TDSD)

From: Leck, Gregory
To: kwoodroffe
Cc: ["pchoudhury@sha.state.md.us"](mailto:pchoudhury@sha.state.md.us); [Axler, Ed](#); [william.whelan](#); [Weaver, Richard](#); [Pratt, Jamey](#)
Subject: RE: Avalon at Clarksburg LMA H-115 - MSHA TIS letter & site access questions
Date: Wednesday, November 02, 2016 2:45:43 PM

Good afternoon Kwesi,

Thank you for forwarding the August 31, 2016 MSHA letter for the pending rezoning case Traffic Impact Study for the Avalon at Clarksburg (Avalon) site. I do not recall seeing it – so I spent part of yesterday afternoon researching that document. It turns out that the letter was emailed to me on August 7th by Mr. Kevin Harp of District 3 Access Management. Unfortunately, I overlooked the electronic message. However, we have no record of ever receiving a hard copy of the letter either.

It's curious that the letter was addressed to me, since Traffic Impact Studies are sent for MSHA & MCDOT reviews by the M-NCPPC (our August 23rd TIS review comments letter was addressed to Mr. Ed Axler of the Planning Department).

In reviewing the MSHA letter, we (and the M-NCPPC) are interested in the State's position regarding site access for this development. We have not seen a sight distances study for the northern entrance but there is some concern that visibility at that location may be less than desirable. Also, the property immediately north of this site (Parcel 660; 22921 Frederick Road) is a 10 acre panhandle-shaped lot. That property's sole public street frontage is also on MD355 – presumably very close to the northern entrance for the proposed Avalon development. The comments from TDSD and District 3 Traffic (in the August 31st MSHA letter) do not specifically approve nor deny a second intersection on MD355 for the Avalon site – but such an intersection may be problematic when Parcel 660 is proposed for subdivision.

It would be very helpful for all parties if the MSHA could proactively advise how best to handle access to both the proposed Avalon site and future development of Parcel 660. You may want to discuss this planning issue in greater detail with Mr. Axler and his colleagues at the Planning Department.

Thank you for your cooperation and assistance. We look forward to your participation on the Development Review Committee.

Greg

*Greg Leck, Manager
Development Review
Office of Transportation Policy
Montgomery County Department of Transportation*

*101 Monroe Street, 10th floor
Rockville, Maryland 20850*

*greg.leck@montgomerycountymd.gov
office: 240-777-7170
fax: 240-777-7178*



From: Kwesi Woodroffe [mailto:kwoodroffe@sha.state.md.us]
Sent: Monday, October 31, 2016 10:35 AM
To: 'Pratt, Jamey' <jamey.pratt@montgomeryplanning.org>
Cc: 'pchoudhury@sha.state.md.us'; Leck, Gregory <Gregory.Leck@montgomerycountymd.gov>; Axler, Ed <ed.axler@montgomeryplanning.org>
Subject: RE: Avalon at Clarksburg LMA H-115 traffic study distribution (1st of 2 emails)

Jamey,

This was reviewed and the letter is attached. I'm not sure if the reviewer sent it out once it was signed. I apologize for the apparent oversight.

Thanks, Kwesi

(301) 513-7347

From: Pratt, Jamey [mailto:jamey.pratt@montgomeryplanning.org]
Sent: Friday, October 28, 2016 3:09 PM
To: Kwesi Woodroffe <kwoodroffe@sha.state.md.us>
Cc: 'pchoudhury@sha.state.md.us'; Gregory.Leck@montgomerycountymd.gov; Axler, Ed <ed.axler@montgomeryplanning.org>
Subject: RE: Avalon at Clarksburg LMA H-115 traffic study distribution (1st of 2 emails)

Kwesi and Pranoy,

I guess my email didn't go through to either of you either.

The traffic study documents can be found on DAIC here:

<http://www.daicsearch.org/imageENABLE/search.asp?Keyword=H115>

Pranoy, I see that Kwesi is out of the office today. Did you ever receive Ed Axler's original review request on August 5th?

Thanks!

Jamey

From: Pratt, Jamey
Sent: Friday, October 28, 2016 3:04 PM
To: 'kwoodroffe@sha.state.md.us' <kwoodroffe@sha.state.md.us>
Cc: 'pchoudhury@sha.state.md.us'; 'Gregory.Leck@montgomerycountymd.gov'

Ibi Teleki Sofillas
MYREALTYTEAM Real Estate LLC, Broker
Clarksburg Chamber of Commerce, President
357 White Ash Pl, Gaithersburg MD 20878
RE: Avalon at Clarksburg Project

Letter of Support:
for James Soltesz, P.E.

October 30, 2016

To whom it may concern:

It is my pleasure to write this letter on behalf of James Soltesz.

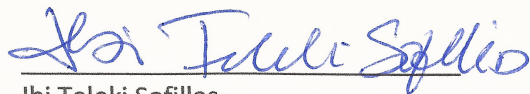
I am very aware of James' work in and around Montgomery County, including Clarksburg, and have attended his open forums recently to discuss his project the Avalon at Clarksburg.

I was very impressed at the level of effort he has made to be completely transparent and open while working through the county planning process and approvals. He has been very accommodating to listen to community members concerns and comments and adjust his plans accordingly.

I am happy to support James in his continued efforts to develop this quaint community along RT 355 just south of RT 121 and north of Clarksburg High School.

As the President of the Clarksburg Chamber of Commerce, a Residential Real Estate Broker for the last 30+ years, and a member of the Clarksburg community for over 20 years where all three of my children graduated from Clarksburg High School, I feel after viewing the plans set forth by James, the project is very much in keeping with the community's look and feel.

I am eager to see these plans and approvals finalized so the work can begin on his project.



Ibi Teleki Sofillas
Broker, MYREALTYTEAM Real Estate LLC
President, Clarksburg Chamber of Commerce