

**Agenda for Montgomery County Planning Board Meeting
Thursday, October 10, 2002, 9:30 A.M.**

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

<p>Roll Call Approval of Minutes: June 20, 2002 Commissioners' Reports Directors' Reports Reconsideration Requests</p>	
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GENERAL MEETING (*Third Floor Conference Room*)

- A. Administrative Items
- B. *Closed Session: Pursuant to Maryland State Code Section 10-508(a)(7) (consult with counsel to obtain legal advice)*
- C. *Closed Session: Pursuant to Maryland State Code Section 10-508(a)(1) (to discuss personnel matters)*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. **Upper Rock Creek Area Master Plan (Public Hearing Draft) – Public Hearing.**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. **Staff Draft Amendment to the Rustic Roads Functional Master Plan, Gaithersburg Vicinity Master Plan and Clarksburg Master Plan & Hyattstown Special Study Area Presentation and review of Staff Draft**

Staff Recommendation: Approve staff draft as a public hearing Draft and set public hearing date for 11/21/02 (Note: No public testimony will be taken at this time.)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. Water and Sewer Category Change Cases – Semi-Annual Council Submittal

Staff Recommendation: Transmit comments to County Council.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. Board of Appeals Petition No. S-2535 (Special Exception)

Sprint PCS/APC Realty and Equipment Company/Melvin G. & C.M. Paisley, applicants, request a special exception for a Telecommunications Facility; RDT zone; 5600 Sundown Road, Laytonsville

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Mandatory Referral No. 02306-M-1 Applicant is Montgomery College Board of Trustees. - Montgomery College – Germantown

Site selection for Kay Property Acquisition – MD 118 at Golden Rod Drive, Germantown, I-3

Staff Recommendation: Approval to transmit comments to Montgomery College.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. Subdivision Review Waiver – 03000 – Arcola

R-90 Zone; 32,827 Square Feet; One (1) Lot Requested (One (1) Existing Single Family Detached Dwelling Unit

Community Sewer and Community Water

Located on the Southeast Quadrant of the Intersection of Parker Avenue and Martin Avenue

Policy Area: Kensington – Wheaton

Applicant: Dennis Lee Parker

Engineer: Oyster, Imus and Petzold

Staff Recommendation: Approval, Pursuant to Section 50-38 of the Montgomery County Subdivision Regulations and Subject to the Following Conditions:

- 1) Applicant to submit a complete record plat application within sixty (60) days of Planning Board action on the waiver request approval
- 2) Recordation of plat to occur within ninety (90) days or complete record plat submission
- 3) Access to the property is limited to Parker Avenue. No driveway access will be granted to the unimproved right of way of Martin Avenue

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Preliminary Plan No. 1-02116 and Subdivision Waiver Request Pursuant to Section 50-38 Of the Subdivision Regulations – Hillandale (Resubdivision)

R-90 Zone; 33,650 Square Feet; Two (2) Lots Requested (Single Family Detached Dwelling Units)(One (1) Existing Single Family Dwelling Unit)

Community Sewer and Community Water

Located On the West Side of New Hampshire Avenue (MD 650), Approximately 146 Feet South of Overlook Drive

Policy Area: Fairland White Oak

Applicant: Curtis Andrews

Engineer: West Consulting Group

Staff Recommendation: Grant Waiver for Frontage Pursuant to Section 50-38 and Approve Preliminary Plan Pursuant to 50-29(b)(2), Subject to Conditions:

******* See Discussion and Conditions of Approval Enumerated in Staff Report *******

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. **Request To Revise The Previous Conditions of Approval For Preliminary Plan No. 1-02033 and Preliminary Water Quality Plan - Greenway Village at Clarksburg**

PD-4 Zone; 374.08 Acres; One Thousand Three Hundred Thirty (1330) Units (600 Single Family Detached, 386 Single Family Attached, 344 Multi-Family Units and 89,000 Square Feet of Retail)

Located on the North and South Sides of Skylark Road, the East and West Sides of Newcut Road, and on the West Side of Ridge Road (MD 27)

Community Water and Community Sewer

Policy Area: Clarksburg

APPLICANT: Clarksburg Skylark, L.L.C.

ENGINEER: Charles P. Johnson and Associates

ATTORNEY: Wheeler, Wheeler and Korpeck

Comments: The applicant has requested the Planning Board consider a revision to the prior conditions of approval for this preliminary plan application. The preliminary plan was approved by the Planning Board on February 2, 2002. Since that time the Planning Board has also approved a site plan for this property. As part of the site plan approval the Board considered waivers of street frontage for several lots in the development and a reduction of intersection radii. Since these are findings that must be made as part of the preliminary plan approval under Chapter 50, Subdivision Regulations, it requires the Board to revisit the preliminary plan and approved amended conditions. As part of this amendment the applicant has also requested a revision the phasing of roadway improvements and the release of building permits. Staff has reviewed the requested phasing revision and has amended the recommended conditions of approval.

Staff Recommendation: Approval of Preliminary Plan, Pursuant to the FY 2002 Annual Growth Policy for Ceiling Flexibility for Developer Participation Projects, and Including a Preliminary Water Quality Plan, Subject to the Following Conditions:

- 1) Compliance with the conditions of approval of the January 31, 2002, Transportation Planning memorandum which includes the following conditions:
 - I. Total development under this preliminary plan application is limited to the following uses and density:
 - 1,330 dwelling units
 - 89,000 square feet of retail space
 - 2,000 square feet of community space
 - II. To satisfy Policy Area Transportation Review (PATR)
 - a. The applicant shall participate in widening MD 27; (1) to six through travel lanes from Observation Drive in Germantown through the Brink Road

intersection, (2) to four through travel lanes through the A-305 intersection; and (3) continue two northbound travel lanes through the Skylark Road intersection, including dedication of 120' right-of-way, 60' from the centerline, along the site frontage.

This improvement along MD 27 is consistent with the master plan recommendation. If, after master dedication along the west side of MD 27, sufficient right-of-way is not available for the proposed widening, the applicant has to either acquire additional right-of-way on the east side of MD 27 or dedicate additional right-of-way and widen MD 27 on their development side.

- b. The applicant shall dedicate on-site portions and participate in construction Relocated Newcut Road (A-302) as a two lane divided arterial or business district roadway between MD 27 and the A-305 intersection and as a four lane divided arterial roadway between A-305 and MD 355.
- c. The applicant shall participate in constructing A-305 as a four lane divided arterial roadway between MD 27 and Stringtown Road.
- d. The applicant shall dedicate and participate in constructing Foreman Boulevard as a two lane arterial roadway from its current terminus at Timber Creek Lane to A-305.

III. To satisfy Local Area Transportation Review (LATR)

- a. The applicant shall participate in construction a second left-turn lane from northbound MD 355 to westbound MD 27.
- b. The applicant shall participate in constructing additional turn/approach on MD 27 and Brink Road at the intersection of MD 27/Brink Road.
- c. The applicant shall participate in providing a separate left-turn lane from southbound MD 355 to eastbound Brink Road as a separate left-turn lane from westbound Brink Road to southbound MD 355.
- d. The applicant shall widen existing Skylark Road by four to six feet, for a total roadway width of 24 feet, from Piedmont Road to the Greenway and construct Relocate Skylark Road from the Greenway to MD 27, including a five-foot sidewalk on the south side.

IV. The applicant shall agree that the roadway improvement listed as conditions of approval are under construction in accordance with the phasing of road improvements for Clarksburg/DiMaio development as described in David D. Flanagan's letter dated March 14, 2002 and confirmed in Transportation Planning's letter date March 29, 2001. The locations of the above roadway improvements (except for condition 3d_ are shown in the attached Exhibit 1.

V. The applicant shall construct a roundabout on A-302 at Street "P3-Q".

VI. The applicant shall construct A-302 as a business district street between A-305 and the roundabout in accordance with DPWT Standard No. MC-219.02,

and as a two lane arterial street between the roundabout and MD 27 in accordance with DPWT Standard No. MC-213.04.“

VII. *The issuance of building permits is predicated on the applicant participating with Preliminary Plan No. 1-01030 Clarksburg Village. The total number of building permits that may be granted for the combined projects shall be limited as follows:*

- a) *MD27-Observation Drive to MD 355 plus turn lane on MD 355 to westbound MD 27- 700 Dwelling units*
- b) *MD 27- MD 355 to Brink Road plus turn at MD 27/Brink Road – 700 Dwelling units*
- c) *MD 27-Brink Road to A-305 plus turn Lanes at MD 355/Brink – 600 dwelling units*

On-Site Improvements

- a) *A-305: Stringtown Road to Forman Boulevard, Forman Boulevard: MD 355 to A-305 - 500 Dwelling units*
- b) *A-305: Forman Boulevard to A-302
A-302: MD 27 to A-305 - 500 Dwelling units*
- d) *A-305: MD 27to A-302 - 500 Dwelling units*
- e) *A-302: A-305 to MD 355 - Remaining/Residential/ Retail/ Commercial*

- 2) Prior to Planning Board review of a Site Plan applicant shall submit an “Infrastructure Plan” for Planning Board review. The plan shall include the following:
 - a) Location and types of stormwater management facilities for quality and quantity controls that comply with the conditions of MCDPS’ preliminary water quality plan
 - b) Delineate bike and pedestrian access pathways including all at grade and below grade crossings along all road rights of way and at stream crossings
 - c) All roadway networks including both private and public connections, streetscape, lighting, sidewalks and paving materials
 - d) Delineation of “Greenway” and other open space areas including all environmental buffers
 - e) School sites and Park dedication sites
 - f) Recreation guideline concept plan
 - g) Proposed schedule for clearing and grading of site
- 3) No clearing, grading, unless designated on the “Infrastructure Plan” and no recording of plats prior to site plan enforcement agreement approval
- 4) Compliance with the conditions of the Revised Preliminary Water Quality Plan approval letter, dated, January 30, 2002, from the Montgomery County Department of Permitting Service
- 5) Compliance with the conditions of the Preliminary Forest Conservation Plan. Conditions must be satisfied prior to recordation of plat(s) or MCDPS issuance of sediment and erosion control permits
- 6) Access and improvement as outlined in MCDPWT letter dated January 31, 2002
- 7) Access and improvements as outlined in MDSHA letter dated, November 6, 2001
- 8) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Clarksburg Master Plan unless

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- otherwise designated on the preliminary plan
- 9) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes or as approved by MCDPWT
 - 10) Abandonment of unused portion of Skylark Road to be approved, by appropriate agency, subsequent to construction and release of relocated Skylark Road to Montgomery County
 - 11) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation
 - 12) Record plat to provide for dedication of local road network as outlined in conditions #1, #6 and #7 above and depicted on the approved preliminary plan
 - 13) Record plat to reflect common ingress/egress easements over all shared access locations
 - 14) Record plat to reflect note limiting uses of dedicated school site to school construction or park use only
 - 15) Prior to record plat, dedication to M-NCPPC, the following areas as outlined in January 31, 2002 Park Planning and Resource Analysis Unit memo:
 - Area identified as “Park 6” as shown on plan, to be an area with a minimum 600 ft. width with adequate area outside of stream buffer to accommodate the needed Greenway trails
 - Land north of relocated Skylark Road and Street P3-A adjacent to Ovid Hazen Wells. Not to include stormwater ponds of swimming pool facility areas.
 - Areas identified “Park 1” and “Park 9” and “Park 12” as shown on plan
 - 16) The park area north of Skylark Road will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6” over 100’, and seeded as appropriate for ball field cover. Grading plans will be submitted to park staff for review and approval
 - 17) Dedication of the proposed Middle School site west of Ridge Rd. (MD 27) to Montgomery County Public Schools
 - 18) The school site will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6” over 100’, and seeded as appropriate in accordance with Montgomery County Public School standards
 - 19) Phasing of dedication of the school site and park sites shall be incorporated as part of the phasing schedule included with Site Plan approval
 - 20) Applicant to construct eight (8) foot wide master plan paved, mixed use trail within the Clarksburg Greenway as approved by the Site Plan
 - 21) Final approval of the number and location of buildings, including location of multi-family dwelling units and design of commercial center to be determined at Site Plan
 - 22) Final alignment, design and landscaping of trails, greenway trails and entrance features to be determined at Site Plan
 - 23) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
 - 24) Final number of MPDU’s to be determined at the time of site plan dependent on Condition # 20 above
 - 25) Waiver of over length cul-de-sac and appropriate sidewalk waivers to be reviewed and approved at Site Plan
 - 26) This preliminary plan will remain valid until February 7, 2014 and shall be phased for recordation of lots as follows:
Phase One: 350 lots by February 7, 2005

Phase Two: 700 lots by February 7, 2008

Phase Three: 1050 lots by February 7, 2011

Phase Four: All remaining lots by February 7, 2014

Prior to the expiration period, the final record plat for all remaining lots within each phase must be recorded, or a request for an extension must be filed

27) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. **Preliminary Plan No. 1-02107 – Quince Orchard Estates
(Resubdivision)**

R-200 Zone; Two (2) Lots Requested (Two (2) Single Family Detached Dwelling Units)(One (1) Existing Single Family Dwelling Unit)

Community Sewer and Community Water

Located on the West Side of Quince Orchard Road, Approximately 200 Feet South of Quince Valley Drive

Policy Area: Rural (Darnestown Vicinity)

Applicant: Martin and Patricia Kelly

Engineer: Benning and Associates

Attorney: Clifford, DeBillious, Crawford, Bonifant and Fitzpatrick

Staff Recommendation: Approval of One (1) Lot Only Pursuant to Section 50-29(b)(2) of the Subdivision Regulations, Subject to Conditions:

***** See Discussion and Conditions of Approval Enumerated in Staff Report *****

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. The FOLLOWING **Record Plats** are Recommended for APPROVAL, Subject to the Appropriate Conditions of Approval of the Preliminary and/or Site Plans:

NOT AVAILABLE FOR TIME OF PRINTING

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

11. **Mandatory Referral No. 02204-NCPC-1 — Perimeter Fence on the NIH Campus**

Centre Drive and Old Georgetown Road, Bethesda-Chevy Chase

Staff Recommendation: Approval to Transmit Comments to the National Capital Planning Commission.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: