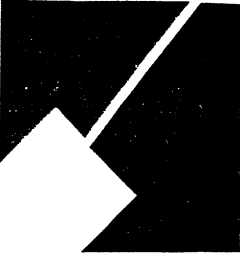


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
6/05/03
Item #6

MEMORANDUM – LOCAL MAP AMENDMENT

DATE: May 30, 2003
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning *JAC*
FROM: Bill Landfair, AICP, for the Department of Park and Planning *WPL*
Sue Edwards, Team Leader, I-270 Team *Sue*

SUBJECT: **Local Map Amendment No. G-806:** Cabin Branch – Adventist Healthcare, Inc., FFTM I, Limited Partnership, and King Farm Partnership, LLP – reclassification of 283.5 acres of land from the RE-1/TDR, RMX-1/TDR and I-3 Zones to the MXPB Zone – south of Clarksburg Road, west of I-270 and north of West Old Baltimore Road – Clarksburg Master Plan and Hyattstown Special Study Area

FILING DATE: December 16, 2002
PUBLIC HEARING: June 11, 12 and 13, 2003

RECOMMENDATION

Staff recommends **APPROVAL** of Local Map Amendment No. G-806 for the following reasons:

1. The reclassification to the MXPB Zone is in conformance with the Clarksburg Master Plan and Hyattstown Special Study Area.
2. The reclassification to the MXPB Zone satisfies the specific requirements of the zone.
3. The reclassification to the MXPB Zone will be compatible with existing and planned land uses in the surrounding area.

Staff also recommends **APPROVAL** of the revised Development Plan, dated May 13, 2003 with the following binding elements:

1. Transferable Development Rights and Moderately Priced Dwelling Unit's

The property that is the subject of this application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXPB, is zoned RMX-1/TDR and will require the purchase of Transferable Development Rights (TDR's) for the development planned by Applicants. Based on calculations developed with M-MCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multifamily) the 535-acre project will require 635 TDR's. The Preliminary Plan of Subdivision application(s) for the MXPB area and the remaining RMX-1/TDR area shall require the purchase of TDR's in conformance with this calculation.

2. Off-site Amenities and Features

By issuance of building permits for the 100th dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan, the Applicants will dedicate the sites shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of Subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.

3. Trip Reduction Measures

At the time of Preliminary Plan of Subdivision, the Applicants, M-MCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.

4. Street Network

A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in

the Road Hierarchy Plan of the Development Plan and that are subject to MNCPPC and DPWT approvals.

5. Area D Street Network

Area D will be designed with a public or private street connecting Route A-304 and First Avenue in a grid pattern with a particular emphasis on a building line to frame Newcutt Road Extended, with parking in the rear.

6. Street Character

Most streets will adhere to a pedestrian-friendly design, which places particular emphasis on a building line to frame the street, with parking in the rear. The entire MXPB area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to MNCPPC and DPWT approvals.

7. Special Roads

A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to MNCPPC and DPWT approvals. The rural character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.

8. Service/Public Uses

Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care, or continuing care.

9. On-street Parking

Applicants will include on-street parking on streets adjacent to retail facilities.

SUMMARY

The applicants, Adventist Healthcare, Inc., FFTM I, Limited Partnership, and King Farm Partnership, LLP, are seeking reclassification of 283.5 acres of land in the Cabin Branch Neighborhood of Clarksburg from the RE-1/TDR, RMX-1/TDR and I-3 Zones to the MXPB Zone. The applicant's intent is to develop the land, with a comprehensively planned, mixed-use, transit-oriented and pedestrian-friendly community consistent with the goals of the Clarksburg Master Plan. The applicants have assembled (along with Winchester Homes) a total of 535 acres of land in the Cabin Branch Neighborhood.

The MXPD area, which is the subject of this rezoning application, will contain the employment and retail core for the community and a mix of residential and service uses. The concept for the development beyond the boundaries of this rezoning is included on the Development Plan to provide the context of the overall plan for Cabin Branch. The RMX-1/TDR zoned areas beyond this application will be essentially residential in character and include school and civic sites that will serve the entire Cabin Branch Neighborhood. The historic house on what was once the Byrne-Warfield Farm is included in the overall plan to be preserved along with an environmental setting. The Development Plan is consistent with a Pre-Application Concept Plan that was reviewed and approved by the Planning Board as a Pre-Preliminary Plan on June 27, 2002 (see attached staff report).

Staff finds the application in conformance with the land use and zoning recommendations of the 1994 Clarksburg Master Plan and Hyattstown Special Study Area. It will implement many of the goals and objectives of the Master Plan and will be compatible with the existing and planned development in the Cabin Branch and Ten Mile Creek Neighborhoods. The subject property is located within the Cabin Branch Neighborhood of the Clarksburg Master Plan Area. The Master Plan states that the opportunity to provide a transit-oriented residential neighborhood and to reinforce the I-270 high-technology corridor concept is the most important public policy objective.

The Development Plan incorporates the Clarksburg Master Plan principles of a mixed-use, transit-oriented, and pedestrian friendly neighborhood. Specifically, the Plan includes an interconnected street system, a strong mixed-use core, integration of employment uses, and an emphasis on access to open space. The binding elements recommended by staff for the Development Plan will assure continued adherence to these principles.

The Transportation Planning staff has recommended a number of conditions as part of the Adequate Public Facilities (APF) test for transportation requirements to be addressed at Preliminary Plan of Subdivision. These include the construction of new roadways as well as improvements to existing roadways in the surrounding area.

Since the subject property is in the Clarksburg Special Protection Area, the applicants must prepare a Water Quality Plan. The applicants have submitted a Preliminary Water Quality Plan to M-NCPPC and the Department of Permitting Services (DPS) for review. Both agencies have provided comments to the applicant. The Planning Board will have an opportunity to approve the preliminary water quality plan at the time of its review of the rezoning application.

Staff has received an email from the Clarksburg Civic Association in which they state that they have met with the applicants and reviewed the rezoning application. They are pleased to find that the overall plan "appears to follow the 1994 Clarksburg Master Plan very well." The association also had a number of other comments regarding service/public uses and parking, which have been addressed through several of the binding elements recommended by staff in connection with the Development Plan.

BACKGROUND

A. Description of Property

The subject property is located west of I-270, east of Clarksburg Road (MD 121), and north of West Old Baltimore Road near Black Hill Regional Park and Ten Mile Creek. There is approximately 4,000 feet of frontage on I-270, 2,100 feet of frontage on Clarksburg Road, and 1,600 feet of frontage on West Old Baltimore Road. The property is comprised of the 127.7-acre Gosnell parcel, 13-acre Faller parcel, and 142.8-acre Adventist Health Care parcel for a total of 283.5 acres. There are several abandoned farm structures on the site, which is otherwise dominated by active agricultural fields, bordered by hedgerows. The property also includes tributaries of Ten Mile Creek and Little Seneca Creek and a substantial amount of forest. The site is located within the Clarksburg Special Protection Area.

B. Surrounding Area

In a floating zone application, the evaluation of the zoning issues requires delineation of the surrounding area. Staff agrees with the applicants that the area can be defined as bounded by I-270 on the east, on the north by an undeveloped I-3 zoned parcel adjacent to the new Clarksburg Detention Center, on the west by Ten Mile Creek, and on the south by Black Hill Regional Park and the Linthicum Farm.

The surrounding area is mostly undeveloped with scattered houses in the RE-1/TDR and RMX-1/TDR Zones along Clarksburg Road and West Old Baltimore Road. The area to the north along I-270 consists of proposed employment development on the vacant I-3 zoned parcel and the Detention Center. Agricultural fields in the RE-1/TDR Zone dominate a large portion of the area to the west. The area to the south, outside of Black Hill Regional Park, is zoned RE-1 and RE-1/TDR, and the park itself is zoned RE-2. This area includes the Linthicum Farm which is master planned for development as part of the Cabin Branch Neighborhood. East of I-270 is the Gateway 270 Corporate Office Park and the Lockheed Martin office development.

C. Intended Use and Approval Procedures

The applicants intend to develop the subject property with a comprehensively planned, mixed-use, transit-oriented and pedestrian-friendly community consistent with the goals of the Clarksburg Master Plan. The applicants have assembled (along with Winchester Homes) a total of 535 acres of land in the Cabin Branch Neighborhood of Clarksburg. They seek reclassification of 283.5 acres of this land (the subject property) to the MXPDP Zone with the remainder of the land developed under the existing RMX-1/TDR Zone.

The MXPDP area, which is the subject of this rezoning application, will contain the employment and retail core for the community and a mix of residential and service uses. The concept for the development beyond the boundaries of this rezoning is included on the Development Plan to provide the context of the overall plan for Cabin Branch. The

RMX-1/TDR zoned areas beyond this application will be essentially residential in character and include school and civic sites that will serve the entire Cabin Branch Neighborhood. The historic house on what was once the Byrne-Warfield Farm (Magee property) is included in the overall plan to be preserved along with an appropriate environmental setting.

The Development Plan submitted with the application depicts a mix of healthcare, offices, retail and residential development in the central and southeastern areas (Areas B, C, and D). The northern area (Area A) that forms a visual gateway to Cabin Branch at the I-270 and Clarksburg Road interchange features “signature site” employment uses. Proceeding westward from I-270, entering the community from Clarksburg Road, the proposed development is a mix of residential unit types and a retail core situated to take advantage of the relationship of the larger Cabin Branch Neighborhood and Clarksburg area west of I-270. The intended uses for each area are depicted in the following tables:

Area A - approximately 38 acres, planned as predominately Employment and may include Retail, Senior Facilities, and Public Uses up to 12 stories in height.		
Employment	SF	Parking Spaces
Office	700,000-1,200,000	2,100-4,800
Retail	0-10,000	0-50
Total	700,000-1,210,000	2,100-4,850
Other	Units	Parking Spaces
Public Use	0-7,500	0-25
Senior Facilities	0-100	0-200

Area B - approximately 47 acres, planned as Mixed Use including Retail, Employment, Senior Facilities, and Public, and Residential Uses up to 6 stories in height.		
Residential	Units	Parking Spaces
Detached	0-100	0-200
Attached	200-325	400-650
Multi family	125-325	250-650
Total	325-750	650-1500
Employment	SF	Parking Spaces
Office	0-50,000	0-200
Retail	75,000-100,000	375-800
Total	75,000-150,000	375-1,000
Other	SF/Units	Parking Spaces
Public Use	0-7,500	0-25
Senior Facilities	150-300	150-600

Area C - approximately 72 acres, planned as predominately Employment uses and includes Retail, Employment, Senior Facilities, and Public, and Residential Uses up to 8 stories in height.

Residential	Units	Parking Spaces
Detached	0-100	0-200
Attached	300-425	600-850
Multi family	175 -350	350-700
Total	475-875	950-1750
Employment	SF	Parking Spaces
Office	900,000-1,425,000	2,700-5,700
Retail	15,000-30,000	75-150
Total	915,000-1,455,000	2,775-5,850
Other	SF/Units	Parking Spaces
Public Use	0-27,500	0-85
Senior Facilities	150-500	150-1,000

Area D - approximately 22 acres, planned as predominately Employment and includes incidental Retail, Senior Facilities, and Public, and Residential Uses up to 8 stories in height.

Residential	Units	Parking Spaces
Detached	0-50	0-100
Attached	0-50	0-100
Multi family	0-100	0-200
Total	0-200	0-400
Employment	SF	Parking Spaces
Office	200,000-300,000	600-1,200
Retail	0-10,000	0-50
Total	200,000-310,000	600-1,250
Other	SF/Units	Parking Spaces
Public Use	0-20,000	0-60
Senior facilities	0-100	0-200

The maximum total residential, employment, public use, and retail densities are illustrated in the table below:

Total Yield Summary for MXPDP Rezoning

Residential		Units
Detached	Not to Exceed	100
Attached	Not to Exceed	600
Multi family	Not to Exceed	439
Total		1139
Employment		SF
Office	Not to Exceed	2,300,000 SF
Retail	Not to Exceed	120,000 SF
Total	Not to Exceed	2,420,000 SF
Other		SF/Units
Public Use	Not to Exceed	75,000 SF
Senior Facilities	Not to Exceed	500 Units

The Development Plan is consistent with a Pre-Application Concept Plan that was reviewed and approved as Pre-Preliminary Plan No. 7-02042 by the Planning Board on June 27, 2002. The Pre-Preliminary Plan was not acted on within 90 days; therefore, the guidance received by the Planning Board is not binding.

Additional approval procedures following rezoning include the review and approval of a Preliminary Plan of Subdivision and Site Plan by the Planning Board. The applicants intend to file one preliminary plan for the entire community (including the RMX-1/TDR portion and individual site plans for smaller segments of the development as the market dictates.

D. Zoning History:

1. Sectional Map Amendment G-710: RE-1/TDR, RMX-1/TDR, and I-3 Zones confirmed; 10/25/94
2. 1958 Countywide comprehensive zoning: R-200 Zone enacted and mapped.

E. Master Plan Recommendation:

1. Land Use: Mixed Use Planned Development, Technology and Business Park, Residential-Mixed Use/Transferable Development Rights
2. Zoning: MXP, I-3, RMX-1/TDR, RE-1/TDR

F. Public Facilities:

1. Water and Sewer Service
 - a. Service Categories: W-4 and S-4, with conditional approval for W-3 and S-3 (Source: M-NCPPC Environmental Planning)
 - b. Water and Sewer Service: The following system improvements are required to serve the subject property and ensure that local service is adequate:
 - (1) Program-sized water main extensions (16 inches in diameter or greater); CIP-sized water transmission mains; and a water storage facility. The Clarksburg Elevated Water Storage Facility (Project No. W-46.15) and the Clarksburg Area Stage 3 Water Main (Parts 1 and 2, Project No.'s W-46.14 and W-46.20) are programmed in WSSC's FY03 Capital Improvements Program. The transmission main is in the early stages of design.

- (2) Program-sized sewer mains and CIP-sized sewer extensions. The Clarksburg Triangle Outfall Sewers (Parts 1 and 2, Project No.'s S-84.46 and S-84.47) are programmed in WSSC's FY03 Capital Improvements Program. The downstream portion of the outfall sewer (Part 1) is in the early stages of design. The capacity of the existing interceptor is currently deficient, but is expected to become adequate within the next year. The Crystal Rock Wastewater Pumping Station (Project No. S-84.50) and Force Main (Parts 1 and 2, Project No.'s S-84.52 and S-84.53) are under construction and should be completed before the subject property is developed.

(Source: WSSC Water Resources Planning Section)

2. Roadways

- a. Clarksburg Road (MD 121): Classified as an arterial roadway with six lanes from I-270 to A-304, four lanes from A-302 to A-304, two lanes from A-302 to West Old Baltimore road and a master plan right-of-way of 150, 120, and 80 feet, respectively. This roadway provides access from the I-270 interchange to the subject property.
- b. West Old Baltimore Road: Classified as an arterial roadway with two lanes and a master plan right-of-way of 80 feet. This roadway provides access from MD 355 and the southern boundary of the site.
- c. Newcut Road: Classified as an arterial roadway with four lanes and a master plan right-of-way of 120 feet. This roadway provides access from the future I-270 interchange and MD 355. Due to the impact to the stream valley, this roadway is proposed to be terminated east of the Cabin Branch stream valley with a series of traffic circles as shown on the development plan.
- d. A-304: Classified as an arterial roadway with four lanes from Newcut Road Extended (A-302) to MD 121 and a master plan right-of-way of 120 feet. This four-lane roadway is proposed to be replaced with two two-lane mixed-use roads with on street parallel parking.
- e. I-270: Classified as a freeway with eight lanes and a master plan right-of-way of 350 feet. This freeway is the eastern boundary of the site and currently is under the Major Investment Study by the Maryland State Highway Administration.

3. Schools

The estimated student generation for the proposed development is 548 elementary, 182 middle, and 200 high school students. The subject property is located within the Clarksburg Elementary School, Rocky Hill Middle School, and Damascus High School service areas.

Clarksburg Elementary School is projected to remain over capacity for the six year forecast period. A new elementary school is proposed to open to relieve Clarksburg Elementary School. The new school, called "Clarksburg/Damascus Elementary School #7", is proposed to open for the 2006-07 school year, but is not yet funded. The opening of this school will address projected space shortages at Clarksburg Elementary School. However, given the amount of new development approved in the Clarksburg Master Plan area, it is expected that this new school will reach full capacity a few years after opening and additional new elementary schools will be needed to keep pace with the development of Clarksburg.

At the secondary school level, Rocky Hill Middle School and Damascus High School are both currently over capacity and projected to remain over capacity for the six-year forecast period. Two capital projects are scheduled to address these space deficits. Rocky Hill Middle School is being replaced by a larger middle school facility that is scheduled to open for the 2004-05 school year. Enrollment projections show this new middle school reaching capacity by the end of the six year forecast period. As development continues in the Clarksburg Master Plan area an additional middle school will be needed.

Following completion of the new Rocky Hill Middle School, the existing facility will be converted to the new "Clarksburg Area High School", scheduled to open for the 2006-07 school year. Once this new high school is open, high school capacity is projected to be adequate through the six year forecast period. This new high school is expected to be adequate to absorb the future build out of the Clarksburg Master Plan area.

ANALYSIS

A. Master Plan

Staff finds the application in conformance with the land use and zoning recommendations of the 1994 Clarksburg Master Plan and Hyattstown Special Study Area. It will implement many of the goals and objectives of the Master Plan and will be compatible with the existing and planned development in the Cabin Branch and Ten Mile Creek Neighborhoods.

Land Use Recommendation

The subject property is located within the Cabin Branch Neighborhood of the Clarksburg Master Plan Area. The Master Plan states that the opportunity to provide a transit-oriented residential neighborhood and to reinforce the I-270 high-technology corridor concept is the most important public policy objective. The following is a summary of the Master Plan objectives:

- Provide a mix of uses including employment.
- Encourage an employment pattern that is supportive of I-270 as a high-technology corridor.
- Provide a neighborhood core, which consists of a cluster of higher density residential uses, retail services, office uses, and civic uses.
- Create a transit-oriented land use pattern.
- Maximize access to the proposed open space system.
- Provide a suitable transition to the rural/open space character south of West Old Baltimore Road towards Boyds.
- Provide an interconnected roadway system.
- Create a strong neighborhood focal point by concentrating public and retail uses in the same general area.
- Place special emphasis on protection of the west fork of Cabin Branch because of its high water quality and tree cover.

During the Clarksburg Master Plan process, the Planning Board and County Council devoted considerable discussion to the appropriate land use and zoning for the subject property which is a key element in the Master Plan proposed mixed-use Cabin Branch Neighborhood. The Cabin Branch Neighborhood is the only portion of the western side of I-270 that is proposed for significant residential development. Most of the development in the Cabin Branch Neighborhood is recommended to occur on the subject property.

Zoning Plan and Implementation Strategies

The Master Plan includes many employment sites along I-270 to help implement the Plan's vision of I-270 as a high-technology employment corridor. The most significant area of new employment is located in the Cabin Branch Neighborhood where up to 2.3 million square feet of office-type uses could occur. The Master Plan recommends this

development occur as part of a mixed-use concept to allow the opportunity for housing. As states in the Master Plan “ RMX zoning will be the base zoning for the northern portion of this site and I-3 Zone for the southern portion with an MXPDP Zone option over the entire area to allow for comprehensive planning of these mixed uses.”

The Clarksburg Sectional Map Amendment (G-710) implemented the RMX-1 (mixed-use) Zone for the area of Cabin Branch Neighborhood designated for residential and retail uses. The SMA also implemented the I-3 Zone (employment) for the portion of the site bounded by future Master Plan roadways A-304 and A-302.

The zoning application extends the area of employment under the MXPDP zone to include where the Master Plan depicts portions of the RMX zoning and all of the I-3 zoning. Staff analysis of the potential impacts of this direction to be generally favorable: the flexibility to include differing land uses using flexible development standards is highly desirable. Employment uses will be visible from the I-270 high technology corridor. Projected noise impacts from I-270 will not affect employment uses within the MXPDP area of the zoning application. Staff supports the subject MXPDP Zone application since it implements the Master Plan land use and zoning recommendations and is being planned in a comprehensive fashion.

Binding element No. 3 addresses staff concerns that eliminating the I-3 Zone would also eliminate trip reduction measures required by the Zone. Under this application, the applicant would be gaining the full amount of employment recommended in the Master Plan. Binding element #3 assures that trip reduction will be considered during the Preliminary Plan of Subdivision. Examples of trip reduction measures include: bus shelters, transit fare discounts, reserved carpool parking, Share-A-Ride programs, alternative work scheduling, emergency ride home programs, or other acceptable measures to be determined at the time of Subdivision.

The Clarksburg Master Plan clusters development into a series of transit- and pedestrian-oriented neighborhoods, including the Cabin Branch neighborhood. Including trip reduction measures in the detailed planning to follow this zoning application will ensure that auto-oriented design will not overshadow the transit- and pedestrian-oriented intent of the Plan.

Development District Recommendation

The Master Plan recommends that the Cabin Branch Neighborhood be located in the Stage 3 Area of Clarksburg that restricts development from proceeding until the following staging triggers related to the funding of infrastructure are satisfied:

1. Either (a) State and County enabling legislation for development districts, or (b) alternative infrastructure financing mechanisms are in place.

2. County Council adopts a new Water Quality Review Process (WQRP) and Department of Environmental Protection issues Executive Regulations related to this process.
3. Wastewater treatment and conveyance facilities, sufficient to serve all approved development in Germantown and the Stage 3 Area of Clarksburg, are 100 percent funded in the first four years of the Capital Improvement Project.

Staging principles contained in the Master Plan conclude that “the timing and sequence of development in Clarksburg should be responsive to the likelihood that funding for the capital improvements required by new growth in the area will come from a variety of sources, including the County and private development...In light of this finding, it is clear that staged development should be conditioned on the ability of private developers to fund a significant portion of the infrastructure improvements called for in the Plan or the availability of other new sources of revenues” (page 188).

The Master Plan suggests an array of private financing mechanisms that include land dedication, developer contributions (in-kind or cash), construction excise taxes, development district payments, or other development fees (page 188). To date, the Clarksburg Town Center Development District has been formed by County Council resolution. Two other districts have been proposed for the Newcut Road Neighborhood located east of I-270; these districts will move toward formation in 2003.

The applicants propose to use development districts to satisfy the infrastructure needs generated by the residential portions of the Cabin Branch Neighborhood. Staff is concerned that any development district for the Cabin Branch Neighborhood meet the intent of: (1) benefiting more than a single development; (2) providing facilities and greater benefits than those items conditioned by future preliminary plan(s); (3) ensuring that the fiscal burden for households is reasonable as determined by the Montgomery County Department of Finance; and (4) assuring a conservative level of risk for the value of land secured for the development district bond issuance.

These factors are evolving as each of the development districts are formed. The extent of commercial development not subject to development district funding and tax-exempt health care businesses will have an effect on the burden of the special tax on future home buyers due to the significant infrastructure costs generated by the Cabin Branch Neighborhood.

A. Development Plan

The proposed Development Plan incorporates the Clarksburg Master Plan principles of a mixed-use, transit-oriented, and pedestrian friendly neighborhood. Specifically, the Plan includes an interconnected street system, a strong mixed-use core, integration of employment uses, and an emphasis on access to open space. The binding elements

recommended by staff for the Development Plan will assure continued adherence to these principles.

Zoning Conformance

The Master Plan recommends that an employment center be designated for approximately 175 acres, with frontage and visibility from I-270. The Plan recommends the MXPB Zone for this area, which is currently zoned I-3 and RMX-1/TDR, for the Mixed Use Planned Development Zone strategy. Land generally west of the employment site, north of West Old Baltimore Road and east of MD 121 is zoned RMX-1/TDR. Land south of West Old Baltimore Road is zoned RE-1/TDR. The Plan recommends the following:

“Approximately 175 acres of this neighborhood fronts I-270. This acreage offers an opportunity for a large, comprehensively planned employment center in close proximity to a residential neighborhood and associated retail and supportive services. This Plan recommends a mixed-use planned development strategy ... for the employment frontage to foster an integrated plan which could include residential units” (page 67).

“...Although the southern portion of the area fronting I-270 is recommended for I-3 zoning, this area would also be appropriate for MXPB to allow the entire 175 acres to be planned and designed in a comprehensive fashion” (page 67).

The Development Plan encompasses approximately 283 acres, accommodating the entire employment center, all of the associated retail, and approximately 60 percent of the housing.

Area D of the Development Plan, which comprises 22 acres, is proposed for employment development of 200,000 to 310,000 square feet. This is inconsistent with the Master Plan recommendation for RMX-1/TDR zoning and residential use at a density of 2 to 4 dwelling units per acre. However, the area is impacted by noise from I-270 and is therefore not ideally suited for residential uses. Employment uses for this area do not exceed the amount of employment development anticipated in the Master Plan. Staff supports this element of the rezoning application.

Residential Density and Mix

The Master Plan recommends a maximum of 1,950 dwelling units for the entire Cabin Branch Neighborhood (Cabin Branch community and Linthicum West. The Development Plan assumes a 12.5 percent MPDU bonus for a total residential density of 1,886 dwelling units for the Cabin Branch community (1,676 market rate units plus 210 MPDUs).

The Master Plan specifies a distribution range as shown in the following table:

Master Plan Distribution	Units Proposed	Cabin Branch Application	Entire Neighborhood
Detached 45%-55%	679	848-1,037	987-1,206
Attached 35%-45%	768	660-848	767-987
Multi-Family 10%-20%	439*	187-377	219-438
TOTAL	1,886	1,764-2,339	1,973-2,631

*The Cabin Branch application area will contain all multi-family units for the entire neighborhood; zoning assigned to the remaining properties is not appropriate for multi-family dwelling units.

The Master Plan designates several parcels of land as suitable for transferable development rights (TDR) receiving areas. Receiving areas are permitted to develop to a specific density greater than designated by the base zoning density.

The Master Plan identifies the following TDR recommendations on page 101:

Area	Acres	Recommended Zone	Maximum Potential Development Rights	TDRs Proposed
Cabin Branch	355	RMX-1/TDR	734	635
Neighborhood	165	RE-1/TDR-2	31	Not Applicable

Staff concurs with the applicant that this amount of TDRs concurs with the Master Plan intent. Binding element No. 1 correlates the calculation of residential dwelling count and unit types with the provision of MPDU units and purchase of TDRs.

This application includes Area D and proposes employment uses for it. The Master Plan recommends this 22-acre parcel for RMX-1/TDR and housing. If Area D is approved for the MXPD Zone and employment, the layout should be adjusted as follows at time of site plan review (see also binding elements No.'s 5 and 7):

1. The street system should be designed as an interconnected grid.
2. Buildings rather than parking should be provided along Newcut Road Extended (A-302).
3. Proposed road A-307 is the Gateway to Black Hill Regional Park and should be designed as a parkway.
4. Wide green edges should be provided along West Old Baltimore Road, consistent with a rural character.

Neighborhood Core

The Master Plan recommends a “*neighborhood core*”, which “*should consist of a cluster of higher density residential uses, retail services, office uses, and civic uses.*” The Core should be located within one-quarter mile from as many residential units as possible. This core should have a vertical mix of uses in three to four story buildings facing a town square or commons. The Plan also calls for creating “*a strong neighborhood focal point by concentrating public and retail uses in the same general area*”. This is clearly the description of a true, mixed-use village center, and a gathering place for the community

The Development Plan incorporates the Master Plan’s vision of the core. The core shown is linear, within the northern portion of First Avenue. With a mix of uses along the “Avenue”, with buildings framing the street and appropriate streetscape it would function as a ‘main street’. The “Avenue” would terminate at the more retail intensive area around the grocery store. This linear geometry ensures maximum access for both residents and employees. The Core would be within a short walk from the majority of the housing units and in close proximity to public uses and parks. It would be integrated with the employment uses, which are located on the east side of the Avenue. It would also have strong linkages to the whole employment corridor through the interconnected street network supplemented by park trails.

At time of site plan review, special attention should be paid to design details to ensure that streets are pedestrian friendly with buildings to frame them and building activities to provide “eyes on the street” (see binding element No. 6).

Street Network

The Master Plan promotes an interconnected street network that supports transit use, walking, and biking. It also includes the following recommendations for specific roadways.

1. Transit-oriented Street network

This neighborhood is located between two transit lines: the MARC Commuter rail line and the Master Plan proposed Corridor Cities Transitway station at the Lockheed-Martin site on the east side of I-270. The Master Plan emphasizes the “*interconnected system of streets* “ and “*endorses a transit-oriented development pattern which facilitates bus access and circulation within the neighborhood and which will place all residents within convenient walking distance of a bus stop*”.

With the exception of Area D, the proposed development is designed in a transit oriented-grid pattern, which includes both public and private streets. A bus loop is proposed with bus stops at intervals that ensure walking distance for most users, consistent with the Master Plan recommendations.

A trail system within the parks would further link the different areas. It is important to ensure that blocks are short enough to minimize walking distance. It is also important to encourage transit use through a variety of mechanisms to provide transit options and pedestrian and bikeway connections. Other mechanisms for trip reduction such as supplying an adequate, rather than excessive, supply of parking; building orientation close to the street to minimize walking distances, and car pooling should be encouraged. (See binding element 3)

In preparation of site plan approval, the street system of the whole site, including the RMX-1/TDR zoned land, should be configured in geometric patterns that minimize walking and biking distances to major destinations, including the future Corridor Cities Transitway station located east of I-270.

2. Newcut Road Extended (A-302)

The Master Plan shows Newcut Road Extended connecting to MD 121 through the Cabin Branch Stream Valley. However, the importance of the west fork of Cabin Branch is such that a road connection through it would be detrimental. In fact, the Master Plan directs "*place special emphasis on protection of the west fork of Cabin Branch because of its high quality and tree cover*" (page 70). Staff believes that the efficient, interconnected street system shown in the proposed Plan, which disperses traffic, can meet the transportation needs.

3. Master Plan Road A-304

The Master Plan shows a north-south four-lane arterial road, A-304, separating employment uses from residential uses. However, an important objective of the Master Plan is the integration of the employment areas. In fact, the Master Plan states: "*A major Plan concern is that the employment uses become an integral part of the overall Cabin Branch Neighborhood and that strong interrelationships be established among residential, employment, retail, and public facility uses*". An interconnected street system consisting of pedestrian friendly streets is a pre-requisite for such an environment. Staff, therefore, supports the applicants' proposal, which replaces a 4-lane road with two two-lane, pedestrian-friendly streets. This is also consistent with a short block grid pattern.

4. West Old Baltimore Road

The Master Plan recommendations support the preservation of the existing rural character of West Old Baltimore Road. The Plan specifically states: "*this Plan does not support widening of the road.*" However, the

Plan also designates this road as a Rural Arterial road, which, if built to standards, would require a wide corridor and widening of the roadway from the existing 20 feet to 44 feet including shoulders. The applicant has been pursuing innovative solutions that use a narrower corridor and a narrower roadway than required by the Road Code in order to minimize environmental impacts and preserve the rural character. The staff is supportive of these efforts and also recommends that generous green edges be provided along this road. (See binding element 7)

5. Street Character

In order to promote the sense of place and achieve a cohesive neighborhood character, attributes of street design and building/street relationships should be formalized and coded to ensure consistency of the desirable attributes. (See binding element 6).

Public Facilities

Several public facilities are recommended within the Cabin Branch Neighborhood. Their location and timing should be carefully considered.

1. Location of Public Facilities

The Master Plan objective is to “*locate public/civic uses adjacent to major stream valley*”. The Plan also calls for “*a local park, an elementary school, and other civic spaces to be located in close proximity to each other as well as to the stream valley*”.

The Development Plan shows a combination park/school within the neighborhood and in close proximity to the Core. These facilities border the West Fork Stream Valley Park and the historic property, which would be used as a community facility. The proximity of these uses is efficient and beneficial; however, these facilities are within the RMX-1/TDR land and therefore are not part of this application.

2. Staging of Schools

The Master Plan recommends an elementary school within the RMX-1/TDR portion of the Cabin Branch Neighborhood. The Plan anticipated that all of the housing would be provided within that portion. Since the proposed MXPD development will produce an elementary school population of approximately 247 children, a significant portion of the school children for the neighborhood, consideration should be given to the timing of dedication of the school within the RMX zoned site. The applicants agreed to dedicate the school site by issuance of building permits for the 100th dwelling unit and to rough-grade the school site (see binding element No. 2).

3. Staging of Public Recreation and Amenities

The Master Plan includes recommendations for a local park and other public and recreational facilities, mostly within the RMX zoned site, where housing was envisioned. However, given the significant population that is projected with this development, the number of children in particular, it is important to provide adequate recreation facilities and public amenities with this proposal. The applicants agreed to dedicate the park site by issuance of building permits for the 100th dwelling unit (binding element No. 2). It is also important that every area is self sufficient with respect to private recreation. This will be assured at site plan.

B. Specific Requirements of the Zone

The specific requirements for the MXPDP Zone are set forth in Section 59-C-7.5 of the Zoning Ordinance.

59-C-7.50. Objectives and purpose.

It is the objective of this zone to establish procedures and standards for the implementation of master or sector plan land use recommendations for comprehensively planned, multi-use centers located outside central business districts and transit station development areas. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use centers than the procedures and regulations applicable under the various conventional zoning categories and other planned development zones. In so doing, it is intended that this zoning category be utilized to implement existing public plans and pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories. The specific purposes of this zone are:

The Master Plan recommends the MXPDP Zone for the area to allow a comprehensive approach to planning for mixed uses in the Cabin Branch Neighborhood of Clarksburg. As reflected in the submitted Development Plan, the MXPDP Zone will permit an integrated approach to design and development in which land uses are combined, densities are shared, impact on the environment is mitigated, and infrastructure is located in an efficient manner without the constraints of property lines. The MXPDP Zone will provide a more flexible approach than what can be achieved under the more restrictive standards of the underlying zones. The resulting development will be more consistent with the goals and objectives of the Master Plan.

- (a) *To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master or sector plans*

can serve as the basis for evaluating an individual multi-use center development proposal.

The Master Plan recommends the MXPB Zone for the area in part because its standards and procedures are conducive to achieving the land use objectives and guidelines of the Plan. They will provide a suitable framework by which the proposed mixed-use development can be evaluated.

- (b) *To encourage orderly, staged development of large-scale, comprehensively planned, multi-use centers by providing procedures for the submission of a concept plan for an entire site and subsequent development plans for each stage of development, as identified on the concept plan.*

The Development Plan depicts the overall concept for the orderly and staged development of the Cabin Branch Community. It provides specific information regarding staging, land use, density, street network, open space, and recreational amenities. It also places the area to be rezoned to MXPB in context with the larger Cabin Branch Neighborhood including the area that will remain RMX-1/TDR. Further refinement of the development plans will occur with the filing of a global Preliminary Plan of Subdivision for the neighborhood (including the RMX-1/TDR portion) and individual site plans for smaller segments of the mixed-use development as the market dictates.

- (c) *To provide, where appropriate, higher density residential uses integrated into the overall multi-use center.*

Higher-density multi-family residential uses are an integral part of the mixed-use community. The concentration of these uses in a relatively small area provides a dense population in close proximity to the neighborhood core and employment uses. The interconnected street network, supplemented by park trails, also reinforces the linkages to the lower density residential uses, public parks, and other recreational amenities.

- (d) *To ensure internal compatibility of residential and nonresidential uses by providing a suitable residential environment that is enhanced by the commercial, recreational, employment and institutional amenities within commercial and industrial components of the multi-use center.*

Many of the residential uses are located within one-quarter mile of the neighborhood core and therefore a short walk from its cluster of retail services, office uses, and civic uses. A majority of these housing units will also be in close proximity to public parks and other recreational amenities.

- (e) *To assure compatibility of the proposed land uses with surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories.*

The MXPB Zone requires approval of a Development Plan, which is an additional and more comprehensive level of review than what is required for the underlying zones. The specific requirements for the MXPB Zone will assure compatibility with surrounding uses while allowing higher standards of land planning and site design. The zone will permit an integrated approach to the development of a mixed-use community that would not be possible under the existing zones because of differing requirements.

- (f) *To encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial/industrial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation, and social activity.*

Open space in the form of parkways, greenways, recreational amenities, and trail connections are proposed along the edges of the planned development to allow maximum access and promote green edges that contribute to a green and low-density image for the community. Access to the open space system is provided from an interconnected street and trail network.

- (g) *To encourage and provide for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and industrial areas and public facilities.*

A comprehensive non-vehicular circulation network is proposed that will include an interconnected system of pedestrian ways including sidewalks, hard and soft-surface trails and bikeways. The street network maintains a grid pattern that is conducive to short blocks to minimize walking distance. The placement of more heavily traveled roadways at the edges of the community further reinforces the pedestrian experience.

- (h) *To encourage and provide for efficient use of energy resources through shared facilities or other economies of scale or technology, including innovative fuels and district heating, etc.*

The applicants will encourage the use of energy conservation features throughout the development of the community. One method will be the

implementation of architectural and design features in new construction. These may include next-generation HVAC systems, energy auditing systems, high-mass masonry construction, energy efficient windows, overhangs and sunshades, and high-efficiency lighting fixtures. The implementation of these energy conservation features will be specific to each building and user. Other options may include the use of alternative fuel vehicles and commuter services for hospital and employment uses.

- (i) *To preserve and take the greatest possible aesthetic advantage of existing trees and to minimize the amount of grading necessary for construction of a development.*

The subject property is subject to the Forest Conservation requirements identified in the current Montgomery County Environmental Guidelines and the Montgomery County Trees Manual. These requirements will be met through a combination of retaining higher quality forests and planting new forest in non-forested areas. Special consideration has been given to minimizing the amount of necessary grading and preserving most of the stream valleys which will provide aesthetic focal points for the development. The street network was adjusted slightly (from what is reflected in the Master Plan) so that Newcut Road does not cross the stream valleys.

59-C-7.51. Development Standards (where applicable)

- (a) *Master Plan. No land shall be classified in the mixed use planned development zone unless the land is within an area for which there is an approved and adopted master or sector plan which recommends mixed-use development for the land which is subject of the application.*

The Master Plan specifically recommends the MXPZ Zone for the subject property. The Plan recommends "a mixed-use planned development zoning strategy for the employment frontage to foster an integrated plan which could include residential uses. The MXPZ zone would allow more intensive office uses on the northern portion of this site than would be allowed under the RMX base zone. Although the southern portion of the area fronting I-270 is recommended for I-3 zoning, this area would also be appropriate for MXPZ" to allow the entire area to be planned in a comprehensive manner (page 67).

- (b) *Minimum Area. No land shall be classified in the mixed use planned development zone unless it contains a minimum of 20 acres.*

The application proposes to rezone a total of 283.5 acres of land to the MXPZ Zone.

- (c) *Location. Such land shall be located adjacent to and readily accessible from existing or planned major highways or limited access freeways. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area.*

The subject property is located adjacent to I-270, a major limited access freeway. There will be two key points of access from I-270 at the northern and southern ends of the property. These will utilize an existing interchange with MD 121 and a proposed interchange with West Old Baltimore Road to facilitate access into the higher density area of the employment corridor. A third point of access will be located at the intersection of MD 121 and West Old Baltimore Road where lower density traffic volumes are present.

59-C-7.52. Uses permitted.

- (a) *Residential. All types of residential uses are permitted, including accessory uses. These include the following: a group home, embassies, housing and related facilities for senior adults or persons with disabilities and a life care facility. A life care facility is subject to the provisions of section 59-G-2.35.1.*

One-family detached townhouse and multi-family residential uses are proposed, including housing and related facilities for senior adults or persons with disabilities.

- (1) *The various residential housing types should be planned and constructed in accordance with recommendations and guidelines of the approved and adopted master or sector plan.*

The various residential housing types are consistent with the recommendations of the Master Plan.

- (2) *The location and type of all residential uses proposed on the site must be shown on the development plan submitted in accordance with the requirements of division 59-D-1.*

The location and type of all residential uses are shown on the Development Plan which was submitted in accordance with the requirements of division 59-D-1.

- (3) *Residential uses should be included in any mixed use planned development zone where the applicable master or sector plan specifically recommends that residential development is to be an integral component of a proposed multi-use center.*

The Master Plan specifically recommends that residential uses be an integral component of the mixed-use planned development. As discussed above, residential uses have been proposed.

- (4) *Exclusively residential uses shall not be located on more than 40 percent of the total area of a site unless the specific land use recommendations of the applicable master or sector plan identifies a larger area for residential development.*

The residential component of the Development Plan is consistent with the land use recommendations of the Master Plan.

- (5) *Multi-family dwellings may be located within proposed commercial/industrial areas, rather than a separate residential area on the site, upon a finding by the district council that combining residential and nonresidential uses at one location, within a site, will not adversely affect the overall development proposed.*

The proposed multi-family dwellings will be located along the borders of the commercial area and contribute to the mix of uses along the main street of the development.

- (b) *Commercial. All permitted and special exception uses allowed in the C-2 and H-M zones including chanceries and international organizations, are permitted in the mixed use planned development zone. Heliports and helistops, however, are allowed as a special exception in accordance with the provisions of article 59-G.*

- (1) *The location and general type of commercial uses proposed on the site must be shown on the development plan submitted in accordance with division 59-D-1 and must be approved by the district council as part of the approval of the development plan.*

The location and general type of commercial uses proposed on the property are shown on the Development Plan.

- (2) *In order to establish a dominant employment character within the commercial/industrial component of the mixed use planned development zone, retail commercial uses should not exceed 20 percent of the gross commercial/industrial floor area proposed on a site, as shown on either the concept plan or development plan.*

Retail commercial uses do not exceed 20 percent of the gross commercial/industrial uses proposed.

- (c) *Industrial. All industrial and office uses allowed in the I-3 zone, both permitted uses and special exception uses, are permitted in the mixed use planned development zone. Heliports and helistops, however, are allowed as a special exception in accordance with the provisions of article 59-G.*

- (1) *The location and general type of industrial uses proposed on the site must be shown on the development plan submitted in accordance with division 59-D-1 and must be approved by the district council as part of the approval of the development plan.*

The location and general type of industrial uses proposed on the property are shown on the Development Plan.

- (2) *Industrial uses must meet the environmental control provisions of section 59-C-5.46.*

The applicants state that all industrial uses will meet the environmental control provisions of section 59-C-5.46.

- (d) *Transitory use. Any transitory use is allowed in accordance with section 59-A-6.13.*

No transitory uses are proposed.

- (e) *Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room may be installed under the guidelines contained in Sec. 59-A-6.14.*

The applicants state that any antennas shall be installed pursuant to section 59-A-6.14.

59-C-7.53. Density of residential development.

- (a) *The residential density in the mixed use planned development zone should be compatible with the residential density recommendations contained in the applicable master or sector plan. The maximum residential density shall not exceed 44 dwelling units per acre for residential areas shown on the concept or development plans. Where residential development is proposed to be located within a proposed commercial/industrial area, the maximum residential density for such areas shall not exceed 75 dwelling units per acre.*

The proposed maximum density does not exceed 44 dwelling units per acre in any residential or commercial/industrial area shown on the Development Plan and is consistent with the recommendations of the Master Plan.

- (b) *The district council shall determine whether the density applied for is appropriate, taking into consideration and being guided by the area master or sector plan, the purposes of the mixed use planned development zone, the requirement to provide moderately priced dwelling units in accordance with chapter 25A of this Code, as amended, and such county housing policies as may be relevant.*
- (c) *The density of development must be based on the area shown for residential use on the applicable master or sector plan and should be compatible with the density recommended on such plan; except that the maximum density permitted may be increased by one dwelling unit for each moderately priced dwelling unit included in the development plan in accordance with chapter 25A of this Code, as amended, provided that the total increase does not exceed 22 percent of the total number of units recommended on the appropriate master or sector plan.*

The density of development, including moderately priced dwelling units, does not exceed 22 percent of the total number of units recommended in the Master Plan.

59-C-7.54. Density of commercial/industrial development.

The commercial/industrial density in the mixed use planned development zone should be compatible with any gross floor area or floor area ratio recommended in the applicable area master or sector plan. The maximum density of commercial/industrial development shall be based on the area shown for commercial/industrial uses on the concept or development plans and shall not exceed a floor area ratio of 0.75.

The proposed maximum density of commercial/industrial development does not exceed a floor area ratio of 0.75 and is consistent with the recommendations of the Master Plan.

59-C-7.55. Compatibility standards.

All uses shall conform to the purposes of the mixed use planned development zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development. In order to assist in accomplishing such external compatibility, the following requirements shall apply:

- (a) *No buildings other than one-family detached dwellings shall be constructed within 100 feet of adjoining property that is developed with one-family detached homes unless the district council finds that topographical features permit a lesser setback. In all other situations,*

setbacks from adjoining properties may be less than 100 feet, with the minimum setback determined as part of the development plan review.

No buildings other than one-family detached dwellings is proposed to be constructed within 100 feet of adjoining property that is developed with one-family detached homes.

- (b) *No building proposed for commercial/industrial use shall be constructed less than 100 feet from any adjoining property recommended for residential zoning and land use on the applicable master or sector plan. The minimum setbacks shall be determined as part of the development plan review.*

No building proposed for commercial/industrial use is proposed to be constructed within 100 feet from any property recommended for residential zoning and land use on the Master Plan in the area adjoining Cabin Branch (as measured from the adjacent uses in the surrounding area, rather than internal property lines).

- (c) *No building shall be constructed to a height greater than its distance from any adjoining property recommended for residential zoning and land use on the applicable master or sector plan, unless the district council finds that approval of a waiver of this requirement will not adversely affect adjacent property.*

No building is proposed to be constructed to a height greater than its distance from any adjoining property recommended for residential zoning and land use on the Master Plan.

59-C-7.56. Minimum green area and amenity requirements.

The amount of green area required for the residential portion of a mixed-use planned development shall be not less than 50 percent of the total area shown for residential use. The minimum green space requirement for the commercial/industrial portion of a mixed-use planned development shall be 40 percent of the total area devoted to commercial/industrial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the district council determines that such amenities or facilities are sufficient to accomplish the purposes of the zone and would be more beneficial to the proposed development than strict adherence to the specific green area requirement.

Due to the integrated nature of the Development Plan, there are no defined "residential" or "commercial/industrial" areas. An average of 45 percent total green area is provided (average of 40 percent and 50 percent, respectively) will be provided throughout the property. The applicants state that the actual

percentage of green area may vary during site planning, but will not dip below the required percentages.

59-C-7.57. Public facilities and utilities.

- (a) *A mixed use planned development should conform to the facilities recommended for the site by the approved and adopted master or sector plan, including and granting such easements or making such dedications to the public as may be shown thereon or as shall be deemed necessary to ensure the compatibility of the development with the surrounding area and to assure the ability of the area to accommodate the uses proposed by the application.*

The public facilities are proposed to conform to the recommendations of the Master Plan. Any easements or dedications required shall be made at the time of Preliminary Plan of Subdivision.

- (b) *All utility lines in the mixed use planned development zone shall be placed underground. The developer or subdivider shall ensure final and proper completion and installation of utility lines as provided in the subdivision regulations being section 50-40(c) of this Code. Standards for street lighting shall be provided by the developer in accordance with the approved site plan.*

The applicants state that all new utility lines shall be installed underground pursuant to section 50-40(c) of the Montgomery County subdivision regulations. Street lighting standards shall be finalized during Site Plan review.

59-C-7.58. Parking facilities.

- (a) *Off-street parking shall be provided in accordance with the requirements of article 59-E.*

Off-street parking shall be provided in accordance with the standards of article 59-E. On-street parking will also be utilized on the two parallel avenues that traverse Cabin Branch in a north/south direction. This on-street parking contributes to the required parking yields while minimizing surface parking areas.

- (b) *Off-street surface parking areas shall be appropriately sized and landscaped so as to preclude the development of large, unrelieved, paved parking areas as found in many multi-family and commercial developments in other zones.*

Off-street surface parking areas shall be appropriately sized and landscaped. In some cases, structured parking shall be utilized to provide the necessary parking yields. These structures will be concealed by office and multi-family residential buildings and landscaping, as appropriate. Their use will minimize the development of large paved parking areas as well as provide additional green area and amenity space.

D. Transportation Issues

Based on a review of the traffic analysis submitted in support of the local map amendment, Transportation Planning staff recommend the following conditions as part of the Adequate Public Facilities (APF) test for transportation requirements to be addressed at Preliminary Plan of Subdivision.

1. Total development under this zoning application (i.e., within the area zoned MXPB) is limited to the following uses and density:
 - 1,139 dwelling units
 - 2,300,000 square feet of office space
 - 120,000 square feet of retail space
 - 500 dwelling units of elderly housing
 - 75,000 square feet of public use
2. To satisfy Policy Area Transportation Review, the applicants shall:
 - a. Construct Newcut Road as a four-lane divided arterial roadway between West Old Baltimore Road and the eastern business district roadway parallel to I-270.
 - b. Upgrade West Old Baltimore Road to two-lane arterial roadway standards acceptable to the Department of Public Works and Transportation (DPWT) and Transportation Planning staff between Newcut Road and MD 121.
 - c. Construct two parallel two-lane business district roadways between Newcut Road and MD 121.
 - d. Upgrade MD 121 to arterial roadway standards between West Old Baltimore Road and I-270 and upgrade the interchange ramps of MD 121 and I-270.
 - e. Provide or obtain funding for construction sufficient to provide access between Newcut Road and I-270 for all movements to/from the west, including two traffic signals at the on and off-ramp intersections (for development beyond Phase A, 4,050 jobs and 1,425 housing units).
3. To satisfy Local Area Transportation Review, the applicant shall:

- a. Provide the following improvements at MD 121/I-270 Northbound on/off ramp:
 - Add northbound left-turn movement to provide dual left turn lanes
 - Add separate westbound left-turn lane
 - Signalize the intersection
 - Widen Clarksburg Road bridge over I-270 to accommodate one additional through lane and a median island

- b. Provide the following improvements at MD 121/I-270 Southbound on/off ramp:
 - Add a westbound through lane
 - Signalize the intersection
 - Add eastbound on-ramp to southbound I-270

- c. Provide the following improvements on MD 121 frontage:
 - Six-lane roadway section from the I-270 southbound on/off ramp intersection to the first site entrance (Road "C"). The entrance would include a two-lane roundabout with right-turn bypass lanes to add and drop the third lane for Clarksburg Road
 - Four-lane roadway between Road "C" and A-304 East
 - Two-lane section from A-304 East to West Old Baltimore Road and roundabout at West Old Baltimore Road to accommodate traffic safely and efficiently at this intersection

- d. Participate in providing the following improvements at MD 121/Gateway Center Drive intersection:
 - Stripe westbound approach of MD 121 to include a separate left-turn lane and through lane
 - Stripe northbound approach of Gateway Center Drive to activate dual left-turn lanes
 - Install traffic signal
 - Construct westbound through lane on MD 121 to accept dual left-turn movements and join existing westbound lanes at I-270/Northbound on/off ramp intersection

- e. Participate in providing the following improvements at MD 121/Frederick Road (MD 355) intersection:
 - Widen eastbound approach of MD 121 and stripe additional left-turn lane (dual left)

- Construct northbound through lane on MD 355 to accept dual left with transition to join existing conditions
 - Modify traffic signal
- f. Participate in providing the following improvements at MD 355/West Old Baltimore Road intersection:
- Widen eastbound approach of West Old Baltimore Road to provide separate right-turn lane
 - Widen northbound approach of MD 355 to provide separate left-turn lane. A three-lane section will be provided on MD 355 between West Old Baltimore Road and Brink Road
 - Widen southbound approach of MD 355 to provide separate right-turn lane
- g. Participate in widening the southbound approach of MD 355 to add additional through lane at the MD 355/Newcut Road intersection.
- h. Participate in widening MD 355 south of Brink Road to provide a four-lane divided section. The four-lane section would join the existing four-lane section at Willstone Manor Lane.
4. The applicants shall agree that roadway improvements, “2a” through “2d” and “3a” through “3h” are sequenced for construction along with sub-phases of Phase “A” as determined at Preliminary Plan of Subdivision and that roadway improvement “2e” is bonded, under contract, under construction, funded or programmed prior to initiation of Phase “B”. Phase “A” consists of 1,425 dwelling units and 1,538,000 square feet of commercial space (comparable to 4,050 jobs) and Phase “B” is build-out of the project.
5. At the time of Preliminary Plan of Subdivision, the applicants, M-NCPPC Transportation Planning staff, and DPWT staff will consider mutually acceptable trip reduction measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.

Site Access and Circulation

Access to the site is proposed from MD 121, West Old Baltimore Road, and the future I-270/Newcut Road interchange. The access and internal vehicular circulation system shown on the development plan are deemed safe and adequate.

Congestion Levels at Nearby Intersections

Staff agrees with the conclusion of the submitted traffic analysis that the mixed-use development with the proposed roadway network will not have an adverse impact on the surrounding roadways. Ten local intersections were identified as critical intersections to be affected by the development and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,500 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The CLV impacts of the proposed development on these intersections were analyzed and are summarized in the following table.

Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour								
Intersections Analyzed	Existing		Background		Total – Phase A		Total – Phase B	
	AM	PM	AM	PM	AM	PM	AM	PM
MD 121/I-270 NB off-ramp	490	343	981	976	146 7	1439	129 9	101 1
MD 121/I-270 SB off-ramp	264	198	561	530	105 7	870	923	691
MD 121/Whelan Road (Road "C")	191	227	238	294	118 6	1148	136 0	945
MD 121/West Old Baltimore Road	253	295	365	413	448	486	513	493
MD 121/Gateway Center Drive	874	945	1861	2533	186 1	2255	171 0	194 9
MD 121/MD 355	1329	138 8	1996	1674	200 3	1443	181 0	145 9
MD 355/Stringtown Road	1182	991	1445	1429	146 8	1436	141 9	137 5
MD 355/Newcut Road	1175	842	1497	1268	990	1372	112 7	148 7
MD 355/West Old Baltimore Road	1452	136 9	2082	2206	199 4	1582	174 9	146 6
MD 355/Brink Road	1472	130 6	1531	1822	102 8	1182	899	106 3

As shown in the table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,500). Under the background development (developments approved but not built) condition, the intersection of MD 121 and

Gateway Center Drive, MD 355 intersections with MD 121, West Old Baltimore Road, and Brink Road exceed the acceptable congestion standard. Under the total Phase "A" development conditions with the roadway improvements to be provided as part of Phase "A" development, all examined intersections will operate at either acceptable condition or at a better level than the background condition except at the intersection of MD 355 and MD 121 during the AM peak hour. The bike/bus shelter program to be provided by the applicant in the Cabin Branch Neighborhood will offset the marginal increase of CLVs at this location. Under the total Phase "B" development conditions (build-out of the Cabin Branch Neighborhood) with the roadway improvements to be provided as part of Phase "B" development (the future I-270/Newcut Road interchange), all examined intersections will operate at either acceptable condition or a better level than the background condition. These intersections will operate at a better level than the background condition with the roadway improvements conditioned upon approval of this zoning application.

Staging Ceiling

Based on the FY03 AGP staging ceiling capacity, there is insufficient capacity available for both the housing and employment developments (-1,378 jobs and -9,114 housing units as of April 30, 2003) in the Clarksburg Policy Area. In August 2002, Transportation Planning staff analyzed phases of roadway infrastructure that will support certain levels of development in Clarksburg and developed the phasing program. The detailed phasing program is described in a staff memorandum to the applicants transportation consultant dated August 23, 2002 (attached as an exhibit). The phasing program, Phase "A" and Phase "B" for the overall Cabin Branch Neighborhood development proposed by the applicant is consistent with the phasing program, Phase 2A and Phase 2B in the staff's memorandum. Therefore, the Cabin Branch Neighborhood development would be adequately accommodated in the Clarksburg Policy Area by the proposed roadway improvement package from a Policy Area Transportation Review perspective. It is noted that the phasing program will be reevaluated at preliminary plan review to determine additional residential development under Phase "A" depending on actual unit types (i.e. multi-family, townhouse, one-family detached, etc.).

The size and mixed-use character of the proposed development lends itself to traffic mitigation efforts that will reduce dependence on the single-occupant automobile and encourage the use of public transit and ride sharing. Therefore, Transportation Planning staff recommends that the applicant include mutually acceptable trip reduction measures to be determined at Preliminary Plan of Subdivision.

E. Environmental Issues

Natural Resources

The subject property is located in the Clarksburg Special Protection Area. The site includes tributaries to Little Seneca Creek (Use IV-P stream), Cabin Branch (Use I-P stream), and Ten Mile Creek (Use I-P stream). The current land uses include active

agricultural, abandoned agricultural, and forest. The natural resources for the subject property are characterized in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 4-02008, 4-02009, and 4-02010. Environmental staff approved the NRI/FSDs in February 2002 and revised plans in April 2003.

The subject property includes 14.31 acres of wetlands, 31.56 acres of floodplains, 85.11 acres of stream valley buffers, and 133.84 acres of forest. There are steep slopes (> 25%) on the property and highly erodible soils. Not all steep slopes and erodible soils are hydraulically connected to Waters of the United States. Those that are hydraulically connected to Waters of the United States are included in the stream valley buffers.

Forest Conservation

The applicants submitted preliminary forest conservation plans as part of the rezoning application. Environmental staff reviewed the preliminary forest conservation plans and conceptually approved the plans. The Planning Board's approval of the preliminary forest conservation plans will coincide with future preliminary plans.

The applicants are proposing to utilize an optional method of development for portions of the subject properties. Section 22A-12(f) of the Montgomery County Code requires planned use developments utilizing an optional method of development to meet either the afforestation or the conservation threshold onsite. The preliminary forest conservation plans submitted indicate that the development plans will meet the appropriate thresholds onsite.

Environmental Guidelines

Staff reviewed the development plan for consistency with the environmental guidelines. The applicants have not proposed any encroachment into stream buffers except for necessary utility connections and stormwater discharge locations. The applicants will reforest those parts of the stream valley buffer that are not currently forested, as required by the Environmental Guidelines for properties in Special Protection Areas.

Preliminary Water Quality Plan

Since the property is in the Clarksburg Special Protection Area, the applicants must prepare a Water Quality Plan. The applicants have submitted a Preliminary Water Quality Plan to M-NCPPC and the Department of Permitting Services (DPS) for review. Both agencies have provided comments to the applicant. The Planning Board will have an opportunity to approve the preliminary water quality plan at the time of its review of the rezoning application.

Stormwater Management

The applicants must provide onsite stormwater management. The Maryland Stormwater Management Design Manual requires "that the annual recharge from post-development

mimics the annual recharge from pre-development conditions.” Stormwater management will be included and approved as part of the Preliminary Water Quality Plan.

F. Citizen Concerns

Staff has received an email from the Clarksburg Civic Association in which they state that they have met with the applicants and reviewed the local map amendment, including the revised development plan. They are pleased to find that the overall plan “appears to follow the 1994 Clarksburg Master Plan very well.” The association also had a number of other comments regarding the application. The first concerns the proposed senior housing and whether it would include independent living, which might revert to non-age restricted housing in the future resulting in an impact on roadways and schools. The second concerned the provision of parking for retail located along First Avenue, specifically whether there would be accommodations for on-street parking. The third was agreement with a staff recommendation to the applicant to redesign the proposed commercial development adjacent Black Hill Regional Park to provide a more “grid like” road pattern.

G. Conclusion

The staff recommends approval of Local Map Amendment No. G-806 with a finding that the reclassification to the MXPDP Zone is in conformance with the Clarksburg Master Plan and Hyattstown Special Study Area; the reclassification to the MXPDP Zone satisfies the specific requirements of the zone; and the reclassification to the MXPDP Zone will be compatible with existing and planned land uses in the surrounding area.

Attachments