

# *Appendix A*



Date Mailed: November 7, 2002

Action: Approved Staff Recommendation  
Motion of Comm. Wellington, seconded by  
Comm. Robinson with a vote of 3-0;  
Comms Berlage, Robinson, and  
Wellington voting in favor with  
Comms. Bryant absent and Perdue  
temporarily absent

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-02033A

NAME OF PLAN: GREENWAY VILLAGE AT CLARKSBURG

On 09/20/2002, CLARKSBURG SKYLARK, L.L.C. submitted an amendment to the previously approved preliminary plan application in the PD-4 zone. The previous application proposed to create 1330 units (600 single family detached, 386 single family attached, 344 multi-family units and 89,000 square feet of retail) on 374.08 acres of land. The application was designated Preliminary Plan 1-02033A. On 10/10/02, Preliminary Plan 1-02033A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02033A to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02033A.

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, and Waiver of Street Frontage Pursuant to Section 50-29(a)(2), and Waiver of Minimum Radii Pursuant to Section 50-26(f), 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 six through travel lanes through the A-305 intersection; and 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. Berward Rafferty's letter dated August 05, 2002 and confirmed in Transportation Planning's letter date August 22, 2002. 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) -305: Stringtown Road to Forman Boulevard, Forman  
Boulevard: MD 355 to A-305 - 500 Dwelling units
- b) A-305: Forman Boulevard to A-302
- c) 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 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) Construction of two (2) full size baseball fields, one (1) full size basketball court, one (1) multi-age playground and an adequately sized parking lot by applicant within "park 12". Facilities to be constructed to park standards and layout to be coordinated with M-NCPPC staff at Site Plan. It is noted that this park is part of a pending application for the Clarksburg/Skylark Development District
- 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:
  1. Phase One: 350 lots by February 7, 2005
  2. Phase Two: 700 lots by February 7, 2008
  3. Phase Three: 1050 lots by February 7, 2011
  4. Phase Four: All remaining lots by February 7, 2014Prior 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

# *Appendix B*



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

OPINION

**DATE MAILED:** October 16, 2002  
**SITE PLAN REVIEW #:** 8-02036  
**PROJECT NAME:** Greenway Village at Clarksburg Phase I and II

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***CHECK** Action on Final Water Quality Plan: Approval subject to conditions. Motion was made by Commissioner Bryant and seconded by Commissioner Wellington, with a vote of 5-0. Commissioners Holmes, Bryant, Robinson, Perdue and Wellington voted for, and no Commissioners voted against. All Commissioners were present.*

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***CHECK** Action on Site Plan: Approval subject to conditions. Motion was made by Commissioner Bryant and seconded by Commissioner Perdue, with a vote of 5-0. Commissioners Holmes, Bryant, Robinson, Perdue and Wellington voted for, and no Commissioners voted against. All Commissioners were present.*

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The date of this written opinion is October 16, 2002, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before November 16, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this Site Plan shall remain valid for as long as Preliminary Plan #1-02033 is valid, as provided in Section 59-D-3.8.

On September 12, 2002, Site Plan Review #8-02036 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required;*
2. *The Site Plan meets all of the requirement of the PD-4 zone, and is consistent with an urban renewal plan approved under Chapter 56;*

3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure an use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*
6. *The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection*

Therefore, the Montgomery County Planning Board APPROVES Site Plan #8-02036, which consists of 486 Units (328 SFD, 109 TH's and 49 MPDU townhouses) on 164 acres,

### **SPECIAL PROTECTION AREA – FINAL WATER QUALITY PLAN**

The Planning Board approves the Final Water Quality Plan subject to the following conditions:

1. Conformance to the conditions as stated in the Department of Permitting Services letter of September 5, 2002 approving the Final Water Quality Plan.

### **SITE PLAN # 8-02036**

Approval of 486 Units (328 SFD, 109 TH's and 49 MPDU townhouses) on 164 acres with the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A.
2. Landscape Plan

Final Landscape Plan to include the following prior to signature set:

- a. Street trees to be space 40 feet on center for all internal streets and 50 feet on center for Skylark Drive and Sycamore Farm Drive;
- b. Revised evergreen species or equivalent for screening along the western boundary of Section 1, rear evergreen planting for Lots 1 and 2, Block "Q";
- c. Details of gazebo and/or other recreation facilities in pool area;
- d. Outline of mulch beds within play areas needs to be refined, less angular and irregular;
- e. Label all paths and path materials on plan;
- f. Taller evergreens screen (to 3 feet) around parking lot adjacent to pool house;
- g. Driveway, landscaping and screen treatment around rear of all MPDU townhouses to be shown;
- h. Side lot screening for Lots 1 and 37 – Block "L", Lot 10 Block "O";
- i. Details of sitting area and path locations for Park 4 and 20 or 30 scale details for all MPDU recreation areas;
- j. Provide Benches on mews area between Birch Mead Road and Winged Elm Drive;
- k. Additional street trees for the rear driveways for the Townhouses along Birch Mead Road, Phase II; Butternut Grove;
- l. Show all lead walks, grading and landscape treatment for all units;



- m. Street trees species and spacing to conform to the final Clarksburg Streetscape study and the proposed lighting plan to conform to the IESNA guidelines and future street light plans for the Clarksburg planning area;
  - n. Provide staff with PUE diagram to assure that the PUE's locations allow for plant material as proposed;
  - o. The hedgerow shall be in an easement maintained by the Homeowners Association or equivalent rather than the individual homeowner;
  - p. Add an additional play area adjacent to the pool area to more fully develop the open space opportunities there;
  - q. Final landscape plan to be reviewed by staff prior to signature set and it is to reflect use of native plant species.
3. Lighting Plan to be updated to reflect current lot configurations with cut sheets to be included.
4. Path and Bike Path
- a. Add a Bike path segment adjacent to lots 62 and 63 Block A north side of urch Meade Road.
  - b. The cross section for Skylark Road is to be adjusted to include the bike path on the south side of the right-of-way for it's entirety through the project.
  - c. Path system to include the following:
    - a. Dedication to M-NCPPC of areas identified on Plan as Park 1B and Park 6, said dedications not to include the 1A private park or any stormwater management pond facilities. Dedicated property to be conveyed free of trash and unnatural debris and the boundaries to be adequately staked and signed to delineate between private properties and parkland.
    - b. Applicant to construct an 8' wide, hard surface trail in the following locations with exact location of trail alignments to be coordinated with M-NCPPC staff:
      - i. From Skylark Road along the east side of Persimmon Ridge Road and intersecting with the trail along Cherry Branch Drive.
      - ii. Along the south side of Cherry Branch Drive from Persimmon Ridge Road to the southeast corner of Lot 20 at the stormwater pond area, said trail to connect with the trail alignment through Clarksburg Village to Midcounty Highway hiker/biker trail system.
      - iii. From Persimmon Ridge Road trail, east through Park 1A and 1B to Birch Mead Road.
      - iv. From Cypress Spring Road to the Clarksburg Greenway Trail that runs along the east side of Little Seneca Tributary, said

trail to include a hiker/biker trail bridge across Little Seneca Tributary.

5. Unit Layout

- a. Unit orientation to major streets to remain as shown, in conformance to the grid pattern consistent with the neo-traditional design of the neighborhood. Any significant proposed changes to site plan shall be presented to staff for further staff level review and approval.
- b. The garage for the front loaded units shall not protrude beyond the front elevation of the front most portion of the building, ie the front porch.

6. Sky Lark Road

No building permits for units to be released for the portion of the road that was within the former proscriptive right-of-way for Skylark Road until abandonment procedures are complete.

7. Parks Issues

- a. Maintain bike path connection (8 foot asphalt) to Ovid Hazen Wells Park bike path within old Skylark Road right-of-way prior to dedication. Future greenway trail crossing of new Skylark Road to be at grade and determined with future site plan phases to include pedestrian staging area, and a safe attractive crossing.
- b. Site Plan Enforcement Agreement to include final language to be included with all sales information for notifying prospective home purchasers on the south side of Skylark Road of the presence of an active park within the Ovid Hazen Wells Park immediately to the north.

8. Waiver requests

- a. Prior to recording a plat, Applicant to submit for a revision to Preliminary Plan conditions to provide for a waiver of lot frontage pursuant to section 50-29-2 of the subdivision regulations. The plans shall reflect a smaller radius at the street intersections as approved by DPS ie 15' radius for alley, 20' radius for interior streets, 25' radius for Sycamore Farm Road and 30' radius at Skylark Drive.
- b. With the approval of this site plan the Planning Board grants the waiver of overlength cul-de-sac on Persimmon Ridge Road.

9. Infrastructure Plan

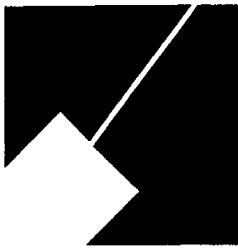
- a. Future site plans to be accompanied by an amended Infrastructure Plan with the following to be included:
- Additional community open space/ recreation areas within the high density residential areas within block J,K,L,M;
  - Redistribution of multifamily units to be closer to the commercial area;
  - Redesign of multifamily areas to continue the neotraditional theme of the design and to relate to the adjacent retail;
  - Review the location and function of recreation area # 14 to be further from major roadways and more integrated in the residential community;
  - Relocate the bike path for Phases 1 and 2 to be on the south side of Skylark Road;
  - Per the Development Plan, future phases must provide 2,000 square feet of civic space (that is privately owned and maintained) for public use in the commercial center.

**APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:**

1. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
  - a. Development Program to include a phasing schedule as follows:
    - 1) Streets tree planting must progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
    - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
    - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
    - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
    - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
    - 6) Coordination of each section of the development and roads.
    - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):

- a. Limits of disturbance.
  - b. Methods and locations of tree protection.
  - c. Forest Conservation areas.
  - d. Relocation of stormwater facility outfalls from pond away from forest preservation or other environmentally sensitive areas.
  - e. Conditions of DPS Stormwater Management Concept approval letter dated September 5, 2002.
  - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
  - g. The development program inspection schedule.
  - h. Conservation easement boundary.
  - i. Streets trees 40 and 50 feet on center along all public streets.
  - j. Centralized, screened trash areas for all one-family attached units except townhouses.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
  4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

**Date Mailed:** NOV 18 2005  
**Public Hearing Date:** June 2, 2005  
**Action:** Approved Staff  
Recommendation  
**Motion** of Commissioner Bryant,  
Seconded by Commissioner Robinson,  
with a vote of 5-0; Chairman Berlage,  
Commissioners Bryant, Robinson,  
Wellington and Perdue voting in favor.

**MONTGOMERY COUNTY PLANNING BOARD  
OPINION**

Site Plan No.: 8-02036A  
Project: Greenway Village at Clarksburg  
Date of Hearing: June 2, 2005

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**Action:** **APPROVAL SUBJECT TO CONDITIONS.** Motion to approve was made by Commissioner Bryant; duly seconded by Commissioner Robinson; with a vote of 5-0, Commissioners Berlage, Perdue, Bryant, Wellington, Robinson voting in favor.)

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The date of this written opinion is NOV 18 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, thirty days from the date of this written opinion. This site plan shall remain valid as provided in Section 59-D-3.8.

On June 2, 2005, Site Plan Review #8-02036A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

**I. SUBJECT PROPERTY**

The 374-acre Greenway Village site is bounded by Piedmont Road and M-NCPPC Ovid Hazen Wells Recreation Park to the north and by Ridge Road to the east. The area contains a mix of zones and uses with farmland being the primary land use. Adjoining the site to the south and southwest is the proposed Clarksburg Village development. The subject site plan includes the first two phases of the development, which contain 164 acres, and is located west of Little Seneca Creek and south of Ovid Hazen Wells Recreation Park.

The community center site is located on the west side of Chestnut Glen Road, between Birch Mead Road and Basswood Hill Drive, in Phase II of the Greenway Village development. It is also the site of a pool and pool house for the residents.

## **II. BACKGROUND**

The Greenway Village property was reclassified from the R-200 Zone to the PD-4 Zone in 2001 by Local Zoning Map Amendment G-735. Provision of a 2,000-square-foot community center in the commercial area was a binding element of the Development Plan. In December 2004, the Montgomery County District Council granted an amendment to Development Plan (DPA-04-3) to change the location of the 2,000-square-foot of indoor community space from the commercial area to the upper level of the Greenway Village pool house located in the residential portion of the development. The DPA-04-03 clarified the Development Plan by showing 2,000 square feet of outdoor community space within the commercial area and an additional 2,000 square feet of indoor community space in the upper level above the proposed pool house.

The Greenway Village also was approved pursuant to Preliminary Plan No. 1-02033, and subsequently amended in Preliminary Plan No. 1-02033A, and the applicant is required to provide 2,000 square feet of indoor community space in the commercial center. A copy of the Planning Board opinion is attached. Although the subject site plan amendment proposes to move the location of the community center from the commercial center to the upper level of the Greenway Village pool house located in Phase II of the development, the change does not alter the overall development program and does not affect traffic generation for the development. Therefore, a preliminary plan amendment is not needed to accommodate the proposed changes.

Site Plan 8-02036 for Greenway Village (Phases I and II) provides that future phases must provide 2,000 square feet of civic space (that is privately owned and maintained) for public use in the commercial center. A copy of the Planning Board opinion is attached. As noted on page 196 of the Clarksburg Master Plan, the commercial center for the Newcut Road Neighborhood should be deferred until 90,000 square feet of retail uses have been established in the Clarksburg Town Center area. According to the developer of the Clarksburg Village Center, it will be approximately seven years before the retail center will be approved.

## **III. PROPOSED DEVELOPMENT**

The site plan amendment proposes the following changes:

- a. Relocate the proposed pool house from the north side of the pool to the east side, fronting on Chestnut Glen Road.
- b. Modify the design of the pool house to add a second floor for a 2,000-square-foot community center. The pool house and the community center will have separate entrances.

The indoor community space is intended to provide meeting room space for Clarksburg as a whole and not be restricted to the Greenway Village community. The proposed community space will be constructed as part of the current Phases of development.

#### **IV. SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD**

Staff gave a summary of the proposed amendment (*i.e.*, that the community center is being relocated over the Greenway Village pool building). Staff noted that Phases I is almost completely built out, and Phase II is under construction. Staff also advised the Board that a preliminary plan amendment is not required, because the preliminary plan identified the square footage of the community as 2,000 square feet. Staff noted that for the timing of the pool, rather than amend the phasing, it recommends that the pool be completed by the earlier of June 1, 2006, or 85% occupancy. Finally, staff recommended that the HOA provide the community uses for other Homeowner Associations use the community meeting rooms to conduct their business meetings, that the HOA would provide them free of charge.

The Applicant, represented by legal counsel, testified in support of staff recommendations and raised no objections to the staff recommendation or the conditions.

Kathy Hulle, Chair of the Planning Committee for the Clarksburg Civic Association, also testified. She testified that moving the community from the recreation center from the retail portion of the site suggests that homeowner groups may have more difficulty using the space, and that with the proposed condition number 4 her concern has been addressed.

Chairman Berlage asked whether prospective purchasers in unbuilt units (or those units under construction) would be surprised to learn that the community center has been moved. A representative of the applicant testified that the community plans that they showed to all buyers reflected the location of the community center over the pool building in this location.

Also in response to the Chairman's questions, staff indicated that from the front of the building, the building would be one story tall, the height of the building would be approximately 25 feet, and taller in the back because of grading changes on the site.

There was no testimony presented in opposition to the application.

**V. FINDINGS**

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required.

*The amended site plan is consistent with the approved Development Plan Amendment 04-3 for Greenway Village at Clarksburg.*

2. The Site Plan meets all of the requirements of the zone in which it is located.

*The proposed changes to the pool house meet the requirements of the PD zone and the approved site plan 8-02036.*

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

*The proposed pool house and community center building is located in the proposed Park #3 within the second phase of the development. The pool house and the community center have a separate entrance to each facility at two different levels. A parking lot will be provided to the north of the building for the users of the facilities. A number of paths and sidewalks will be installed near and around the proposed building to provide pedestrian access to the building. The landscape plan proposes a mix of shade and evergreen plants within Park #3 to help define outdoor recreation space and to provide amenity features for the park and proposed building. This layout and the locations of the buildings and pedestrian and vehicular circulation systems are adequate, safe and efficient.*