




**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #**  
**05/03/07**

**MEMORANDUM**

**DATE:** April 18, 2007

**TO:** Montgomery County Planning Board

**FROM:** Catherine Conlon, Supervisor   
Development Review Division  
(301) 495-4542

**SUBJECT:** Informational Maps and Summary of Record Plats for the Planning Board  
Agenda for May 3, 2007

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The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plat drawings for the record plat. The following plats are included:

220060150 – Greencastle Towns (1)  
220070790 - 20070820 – Greenway Village (4)

**PLAT NO. 220060150**

Greencastle Towns (Preliminary Plan: Day Property)  
Located on Greencastle Road, 3000 feet south of Robey Road  
RT-8 zone; 11 lots, 2 Parcels  
Community Water, Community Sewer  
Master Plan Area: Fairland  
Dr. Horton, Inc., Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120040200, as approved by the Board and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

**RECORD PLAT REVIEW SHEET**

Plan Name: Day Property Plan Number: 120040200  
 Plat Name: Greencastle Towns Plat Number: 220060150  
 Plat Submission Date: 8/1/05  
 DRD Plat Reviewer: Piera Taslima/Piera  
 DRD Prelim Plan Reviewer: R. Weaver

**Initial DRD Review:**

Signed Preliminary Plan - Date 6/5/04 Checked: Initial RAW Date 4/18/07  
 Planning Board Opinion - Date 1/6/04 Checked: Initial TA Date 4/18/07  
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: TA (initial)  
 Site Plan Name: Day Property Site Plan Number: 82004006A  
 Planning Board Opinion - Date 1/16/06 Checked: Initial TA Date 4/18/07  
 Site Plan Signature Set - Date 2/16/07 Checked: Initial TA Date 4/18/07  
 Site Plan Reviewer Plat Approval: Checked: Initial RAW Date 4/18/07

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒  
 Coordinates ☒ Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space NA  
 Non-standard BRLs NA Adjoining Land ☒ Vicinity Map ☒ Septic Wells NA  
 TDR note NA Child Lot note NA Surveyor Cert ☒ Owner Cert ☒ Tax Map ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>C. Bunnag</u>	<u>2/20/07</u>	<u>2/26/07</u>	<u>2/21/07</u>	<u>See plat</u>
Research	Bobby Fleury			<u>2/21/07</u>	<u>OK</u>
SHA	Doug Mills			<u>NA</u>	<u>NC</u>
PEPCO	Steve Baxter			<u>NC</u>	<u>NC</u>
Parks	Doug Powell			<u>NC</u>	<u>OK</u>
DRD	Steve Smith			<u>2/22/07</u>	<u>See plat</u>

**Final DRD Review:**

DRD Review Complete:  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified (Pick up Mark-up):  
 Final Mylar w/Mark-up & PDF Rec'd:

Initial TA Date 4/18/07  
TA 2/26/07  
TA 4/12/07

**Board Approval of Plat:**

Plat Agenda:  
 Planning Board Approval:  
 Chairman's Signature:

TA 5/3/07

**DPS Approval of Plat:**

Engineer Pick-up for DPS Signature:  
 Final Mylar for Reproduction Rec'd:

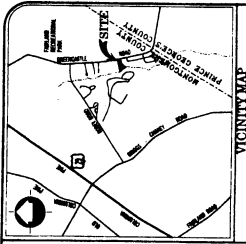
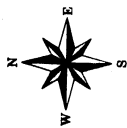
**Plat Reproduction:**

Addressing:  
 File Card Update:  
 Final Zoning Book Check:  
 Update Address Books with Plat #:  
 Update Green Books for Resubdivision:  
 Notify Engineer to Seal Plats:  
 Engineer Seal Complete:  
 Complete Reproduction:  
 Sent to Courthouse for Recordation:

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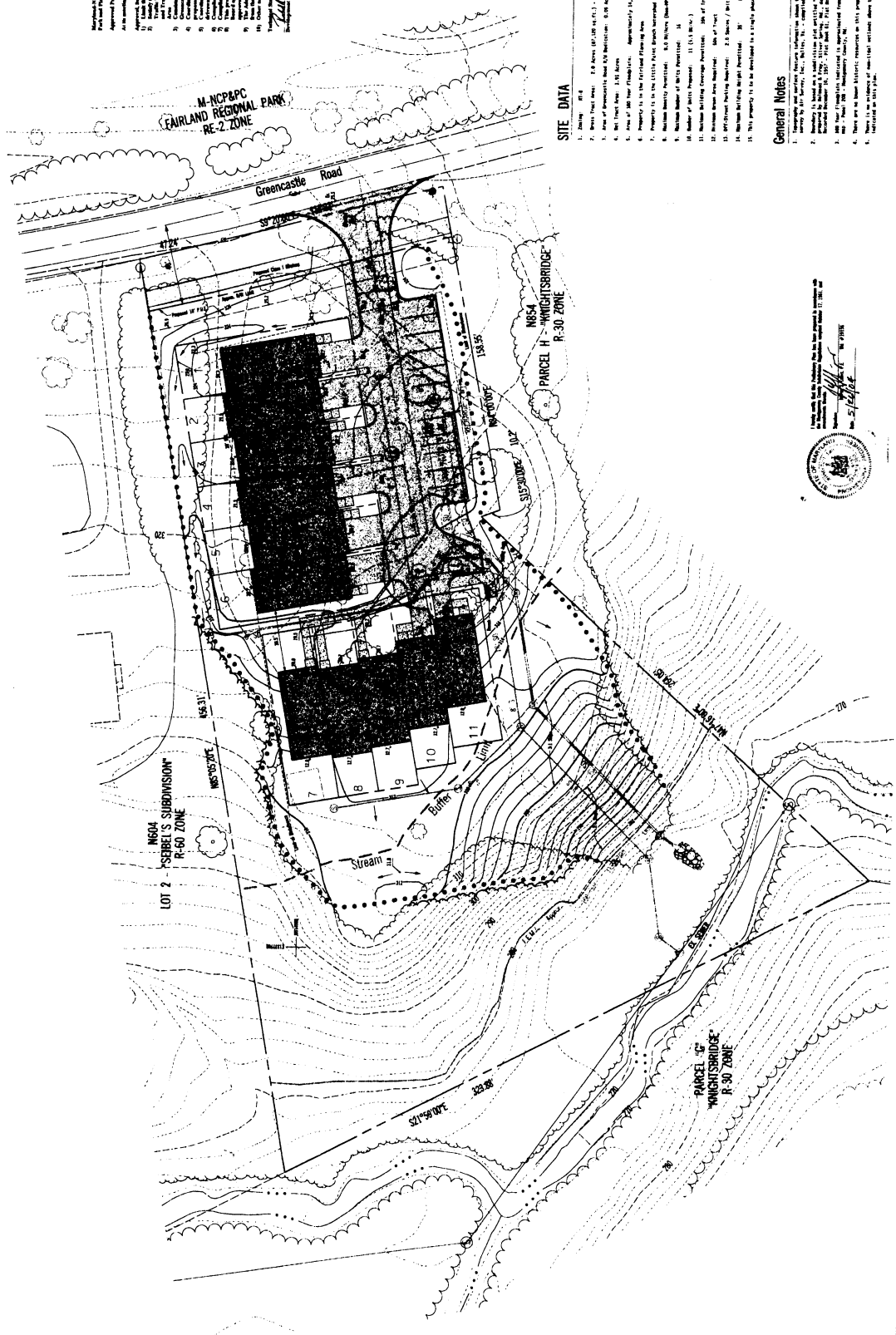
No. \_\_\_\_\_





VICINITY MAP  
SCALE 1" = 100'

Map of Maryland, showing the location of the project in the state of Maryland. The project is located in the state of Maryland, near the border with Virginia. The project is located in the state of Maryland, near the border with Virginia. The project is located in the state of Maryland, near the border with Virginia.



SITE DATA

- 1. Zoning: R-30
- 2. Total Project Area: 2.8 Acres (1,216,000 sq. ft.) - 1.00 Acre (43,560 sq. ft.)
- 3. Area of Development: 2.8 Acres (1,216,000 sq. ft.) - 1.00 Acre (43,560 sq. ft.)
- 4. Net Project Area: 2.8 Acres
- 5. Area of 100-Year Floodplain: 0.00 Acres
- 6. Property: 1.00 Acre (43,560 sq. ft.) - 1.00 Acre (43,560 sq. ft.)
- 7. Maximum Number of Units: 100
- 8. Maximum Number of Units: 100
- 9. Maximum Number of Units: 100
- 10. Maximum Number of Units: 100
- 11. Maximum Number of Units: 100
- 12. Maximum Number of Units: 100
- 13. Maximum Number of Units: 100
- 14. Maximum Number of Units: 100
- 15. Maximum Number of Units: 100

General Notes

- 1. The project is located in the state of Maryland, near the border with Virginia. The project is located in the state of Maryland, near the border with Virginia. The project is located in the state of Maryland, near the border with Virginia.
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APPLICANT		PRELIMINARY PLAN	
Spartan Woods, LLC 11140 Rockville Pike / Suite 600 North Bethesda, MD 20852		DAY PROPERTY COLEMAN ELECTION DISTRICT #5 MONTGOMERY COUNTY, MARYLAND	
DATE		DATE	
11/11/2011		11/11/2011	
BY		BY	
[Signature]		[Signature]	
TITLE		TITLE	
[Title]		[Title]	
SCALE		SCALE	
1" = 100'		1" = 100'	
SHEET		SHEET	
1 of 1		1 of 1	

**SITE SOLUTIONS, INC.**  
10000 40th Street, Suite 100  
Baltimore, MD 21244  
(410) 541-1000 Fax (410) 541-1001  
www.site-solutions.com



**Date Mailed: January 6, 2004**

**Action:** Approved Staff Recommendation

**Motion** of Comm. Perdue, seconded by  
Comm. Robinson with a vote of 4-0;

Comms. Berlage, Perdue, Robinson and  
Wellington voting in favor  
Comm. Bryant temporarily absent

## **MONTGOMERY COUNTY PLANNING BOARD**

### **OPINION**

Preliminary Plan 1-04020

NAME OF PLAN: DAY PROPERTY

On 9/15/03, SPIRE WOODS, LLC submitted an application for the approval of a preliminary plan of subdivision of property in the RT-8 zone. The application proposed to create 1 lot on 2 acres of land. The application was designated Preliminary Plan 1-04020. On 12/18/03, Preliminary Plan 1-04020 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 1-04020 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-04020.

Approval, Subject to the Following Conditions:

- 1) Limit the development to eleven (11) single-family attached housing units
- 2) Satisfy the Policy Area Transportation Review components of the Adequate Public Facilities test by entering a Traffic Mitigation Agreement with the Montgomery County Planning Board and Department of Public Works and Transportation, to make a one-time lump sum payment of \$21,600 to support transit use within the Policy Area.
- 3) Consistent with the 1997 Approve and Adopted Fairland Master Plan, dedicate additional right-of-way along Greencastle Road to provide 40 feet of right-of-way from its centerline.
- 4) Coordinate the DPWT's CIP Project No. 500100, Greencastle Road, to provide roadway improvements and the proposed Class I bikeway along the entire property frontage.
- 5) Coordinate with DPWT/Department of Permitting Services on design requirements for the proposed site access driveway as well as on-site parking.
- 6) Compliance with conditions of MCDPWT letter dated, December 5, 2003 unless otherwise amended
- 7) Compliance with MCDPS stormwater management approval dated September 2, 2003.
- 8) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 10) Other necessary easements





**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

NOV 16 2006

NOV 16 2006

MCPB No. 06-104  
Site Plan No. 82004006A  
Project Name: Day Property  
Hearing Date: September 14, 2006

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on November 14, 2005, DR Horton, Inc. ("Applicant"), filed a site plan amendment application designated Site Plan No. 82004006A ("Amendment") for approval of the following modifications:

- 1) Change the unit design for the proposed 11 townhouses and provide garage parking spaces for all the units.
- 2) Address radii and termini comments from the Fire Marshall.
- 3) Minor encroachment into the forest conservation easement; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 1, 2006 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on September 21, 2006, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82004006A; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is NOV 15 2006 (which is the date that this opinion is mailed to all parties of record); and

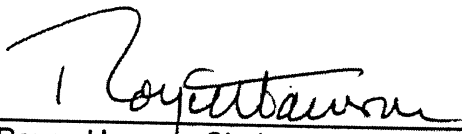
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

#### CERTIFICATION CLAUSE

At its regular meeting, held on September 14, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Commissioner Wellington, and with Commissioners Hanson, Bryant, Perdue, and Wellington voting in favor, and with Commissioner Robinson absent. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for (Minor) Site Plan Amendment No. 82004006A, Day Property.

Adopted by the Montgomery County Planning Board this 14th day of September 2006.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board

**PLAT NO. 220070790 to 220070820**

Greenway Village (Preliminary Plan: Greenway Village at Clarksburg)  
Locate on north quadrant, intersection of Skylark Road and Ridge Road  
PD-4 zone; 78 lots and 8 parcels  
Community Water, Community Sewer  
Master Plan Area: Clarksburg  
The Artery Group, Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 12002033A and Site Plan No. 82004022A, as approved by the Board and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan

**RECORD PLAT REVIEW SHEET**

Plan Name: Greenway Village Plan Number: 2002033B  
 Plat Name: Greenway Village Plat Number: 220070790  
 Plat Submission Date: 1/21/07  
 DRD Plat Reviewer: PW/TA  
 DRD Prelim Plan Reviewer: C. Conlon

**Initial DRD Review:**

Signed Preliminary Plan - Date 7/21/06 Checked: Initial CAE Date 3/12/07  
 Planning Board Opinion - Date 4/26/06 Checked: Initial PW Date 1/29/07  
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: PW (initial)  
 Site Plan Name: Greenway Village Site Plan Number: 82004022A  
 Planning Board Opinion - Date 8/9/06 Checked: Initial PW Date 1/29/07  
 Site Plan Signature Set - Date 9/11/06 Checked: Initial SVB Date 1-30-2007  
 Site Plan Reviewer Plat Approval: Checked: Initial SVB Date 3-20-07

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒  
 Coordinates ☒ Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space ☒  
 Non-standard BRLs N/A Adjoining Land ☒ Vicinity Map ☒ Septic/Wells N/A  
 TDR note N/A Child Lot note N/A Surveyor Cert ☒ Owner Cert ☒ Tax Map ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/12/07</u>	<u>1/26/07</u>	<u>1/24</u>	<u>ok</u>
Research	Bobby Fleury				
SHA	Doug Mills				
PEPCO	Steve Baxter				
Parks	Doug Powell				
DRD	Steve Smith			<u>1/26</u>	<u>See plat</u>

**Final DRD Review:**

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up &amp; PDF Rec'd:

**Board Approval of Plat:**

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

**DPS Approval of Plat:**

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

**Plat Reproduction:**

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

205TATATATATATATATATATATATATATATATA

Date

4/13/073/21/074/12/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/07

No. \_\_\_\_\_



**RECORD PLAT REVIEW SHEET**

Plan Name: Greenway Village Plan Number: 1 2002033 B  
 Plat Name: Greenway Village Plat Number: 2 2007080 0  
 Plat Submission Date: 1/21/07  
 DRD Plat Reviewer: PW/TA  
 DRD Prelim Plan Reviewer: C. Conlon

**Initial DRD Review:**

Signed Preliminary Plan - Date 7/21/06 Checked: Initial CAR Date 3/12/07  
 Planning Board Opinion - Date 4/26/06 Checked: Initial PW Date 1/29/07  
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: PW (initial)  
 Site Plan Name: Greenway Village Site Plan Number: 8 2004022 A  
 Planning Board Opinion - Date 8/9/06 Checked: Initial PW Date 1/29/07  
 Site Plan Signature Set - Date 9/11/06 Checked: Initial (fxb) Date 1-30-2007  
 Site Plan Reviewer Plat Approval: Checked: Initial (fxb) Date 3-20-07

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒  
 Coordinates ☒ Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space ☒  
 Non-standard BRLs N/A Adjoining Land ☒ Vicinity Map ☒ Septic/Wells N/A  
 TDR note N/A Child Lot note N/A Surveyor Cert ☒ Owner Cert ☒ Tax Map ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/12/07</u>	<u>1/26/07</u>	<u>1/24</u>	<u>OK</u>
Research	Bobby Fleury			<u>/</u>	
SHA	Doug Mills			<u>/</u>	
PEPCO	Steve Baxter			<u>/</u>	
Parks	Doug Powell				
DRD	Steve Smith			<u>1/26</u>	<u>See plat</u>

**Final DRD Review:****DRD Review Complete:**

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up &amp; PDF Rec'd:

**Board Approval of Plat:**

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

**DPS Approval of Plat:**

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

**Plat Reproduction:**

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

JDTATATATATATATATATATATATATATATATATATATATA

Date

4/13/073/21/074/12/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/075/3/07

No. \_\_\_\_\_

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SUPPLIED HEREON IS CORRECT. THAT IT IS A SHARPSHORN PLOT OF THE PROPERTY ACQUIRED BY CHANDLERSON STATE, LLC, A WYOMING LIMITED LIABILITY COMPANY, WHICH WAS RECORDED IN THE PUBLIC RECORDS OF WYOMING COUNTY, WYOMING, ON FEBRUARY 28, 2001 AND RECORDED AGAIN THE TWO RECORDS OF WYOMING COUNTY, WYOMING, ON FEBRUARY 28, 2001 AND MARCH 2, 2001. THAT THE ABOVE SET OUT PROPERTY CANNOT BE DIVIDED IN ACCORDANCE WITH SECTION 30-24(b) OF THE SHARPSHORN REGULATIONS OF WYOMING COUNTY, WYOMING.

THE TOTAL AREA INCLUDED IN THIS SHARPSHORN PLOT IS 34.648 SQUARE FEET ON 0.00 ACRES OF LAND, OF WHICH 50.000 SQUARE FEET ON 1.16 OF ACRES OF LAND ARE DEDICATED TO PUBLIC USES.

*John*

DATE 4-15-2007

*[Signature]*

PLAT NO.: \_\_\_\_\_

BT: BEAZER CLARKSBURG, LLC,  
A MARLAND UNITED LIABILITY COMPANY,  
MEMBER OF ARTERY-BEAZER CLARKSBURG, LLC

A TENNESSEE CORPORATION, SOLE MEMBER

WITNESS: James McCallie BY: 1. David L. Darnley, I  
DAVID L. DARNLEY, I  
WARTLAND DIVISION

DATE: 4/2/07

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ISSUED BY THE PLANNING BOARD AND ARE AVAILABLE FOR

EXHIBENT SITE PLAN No. 8-04022A ENTITLED GREENWAY VILLAGE

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DEPARTMENT OF PERMITTING  
SERVICES, MONTGOMERY COUNTY

**DIRECTOR**

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SUBMISSION RECORD PLAT  
LOTS 23 THROUGH 31, BLOCK Q AND LOTS 1  
THROUGH 25 AND PARCELS A, B & C, BLOCK BB  
GREENWAY VILLAGE

CLARKSBURG (2ND) DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
MARCH, 2007 SCALE: 1"=50'

**CPJ**  
Associates  
Charles P. Johnson & Associates, Inc.  
Executive Offices - Boston - Lansing offices - Chicago  
100 West 42nd St. 10th floor, New York, N.Y. 10018  
Telephone: (212) 691-1000  
Telex: 250 500  
Cable: 250 500  
CPJ Associates is a full-service architectural, interior design and construction management firm. We have a proven track record in the design and construction of a wide variety of projects, including hospitals, universities, government buildings, and commercial offices. Our experienced staff of architects, interior designers, and construction managers will work closely with you to ensure that your project is completed on time, on budget, and to your satisfaction.

Dwg: M:\31200\dwg\15-4

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2 OF 4

JID	DFD
51-200-1547	

**RECORD PLAT REVIEW SHEET**

Plan Name: Greenway Village Plan Number: 12002033B  
 Plat Name: Greenway Village Plat Number: 220070810  
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 DRD Plat Reviewer: PW/TA  
 DRD Prelim Plan Reviewer: C. Conlon

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 TDR note N/A Child Lot note N/A Surveyor Cert ☒ Owner Cert ☒ Tax Map ☒

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SHA	Doug Mills				
PEPCO	Steve Baxter				
Parks	Doug Powell				
DRD	Steve Smith			<u>1/26</u>	<u>See plat</u>

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(All comments rec'd and incorporated into mark-up)

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Plat Agenda:

Planning Board Approval:

Chairman's Signature:

**DPS Approval of Plat:**

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

**Plat Reproduction:**

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

SJSTATATA

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 Plat Name: Greenway Village Plat Number: 2 20070820  
 Plat Submission Date: 4/21/07  
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 DRD Prelim Plan Reviewer: C Conlon

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 Planning Board Opinion - Date 4/26/06 Checked: Initial PW Date 1/29/07  
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: PW (initial)  
 Site Plan Name: Greenway Village Site Plan Number: 8 2004022 A  
 Planning Board Opinion - Date 8/9/06 Checked: Initial PW Date 1/20/07  
 Site Plan Signature Set - Date 9/11/06 Checked: Initial fvb Date 1-30-2007  
 Site Plan Reviewer Plat Approval: Checked: Initial [Signature] Date 3-20-07

Review Items: Lot # & Layout ☒ Lot Area ☒ Zoning ☒ Bearings & Distances ☒  
 Coordinates ☒ Plan # ☒ Road/Alley Widths ☒ Easements ☒ Open Space N/A  
 Non-standard BRLs N/A Adjoining Land ☒ Vicinity Map ☒ Septic/Wells N/A  
 TDR note N/A Child Lot note N/A Surveyor Cert ☒ Owner Cert ☒ Tax Map ☒

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>MP</u>	<u>1/13/07</u>	<u>1/26/07</u>	<u>1/24</u>	<u>nt</u>
Research	Bobby Fleury				
SHA	Doug Mills				
PEPCO	Steve Baxter				
Parks	Doug Powell				
DRD	Steve Smith			<u>1/26</u>	<u>See plat</u>

**Final DRD Review:**

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up &amp; PDF Rec'd:

**Board Approval of Plat:**

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

**DPS Approval of Plat:**

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

**Plat Reproduction:**

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

SJS

Date

4/13/07

No. \_\_\_\_\_

THE UNDERSIGNED, OWNER OF THE PROPERTY SHOWN HEREON, AND DESCRIBED IN THE SURVEY'S CERTIFICATE, HEREBY ADOPTS THIS RECORD PLAN, ESTABLISHES THE MAXIMUM BUILDING RESTRICTION LINES, DETACHES THE SHEETS TO PUBLIC USE, GRANTS PUBLIC UTILITY EASEMENTS, AS SHOWN HEREON AND DESIGNATES AS "ALLEY" TO THE PRIMITIVES LISTED AND WITH THE TERMS AND PROVISIONS BEING SET FORTH ON CERTAIN DOCUMENTS DATED, HEREON, THESE.

THESE ARE NO SUITS, ACTIONS AT LAW, LEASES, LENDS OR TRUSTS ON THE PROPERTY INCLUDED IN THIS SUBDIVISION RECORD PLAT, EXCEPT A CERTAIN DEED OF TRUST AND THE PARTIES IN INTEREST THEREIN HAVE BELOW INDICATED THEIR ASSENT.

DL: ARIZONA-BECKER CORP.  
A HARTLAND UNITED LP

**BY: THE ARTERY GROUP, LLC**  
**A WARD AND LIMITED LIABILITY COMPANY, HANNOVER, NEW HAMPSHIRE**

WITNESS My hand and seal of the Court this 11th day of May, 2011.

BY: Bernard J. Ralston

WE HEREBY ASSENT TO THIS PLAY OF SUBMISSION.

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**THE**

SCALE: 1"=2,000'

THE INFORMATION SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF PART OF THE  
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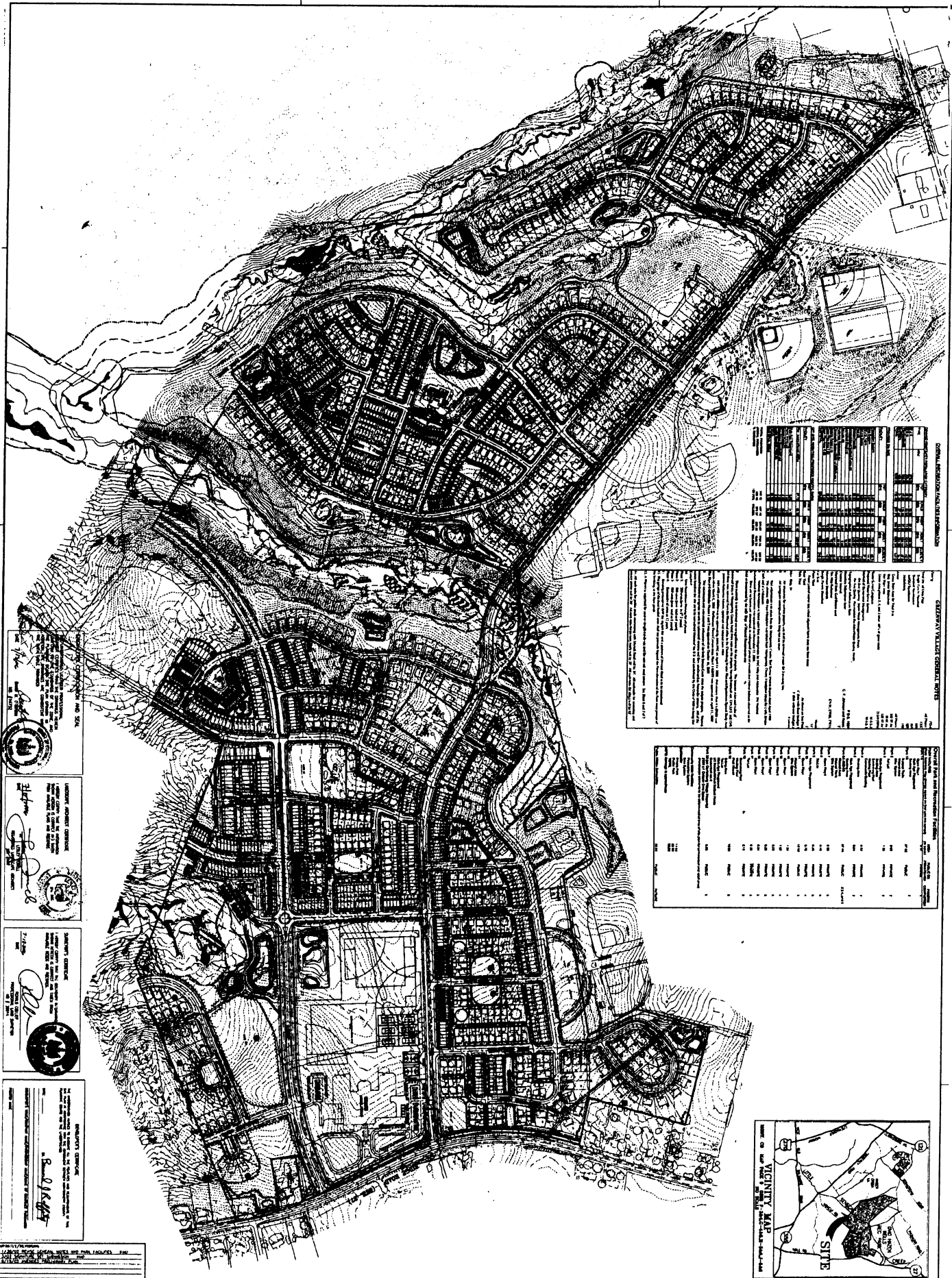
CLARKSBURG (2ND) DISTRICT

**CPI**  
**Charles P. Johnson & Associates, Inc.**

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**2001**

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NOTES: SEE THE 10% AND 5% EROSION STUDIES

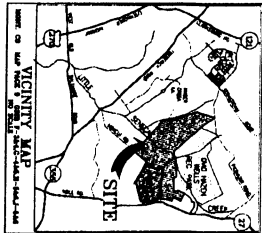
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NOTES: SEE THE 10% AND 5% EROSION STUDIES

FILE NO.	1	DESIGN	DATE	CITY	CHARLES E. JONAS 100 WEST 10TH AVENUE SUITE 100 BETHEDA MD 20814 PHONE (301) 490-8500
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		APPROVE	BY		
		DATE	BY		
2		SCALE	1/8" = 1"	COPYRIGHT © LATEST DAY CHARLES E. JONAS & ASSOC. ALL RIGHTS RESERVED. UNLAWFUL OR REPRODUCTION & PHOTOCOPYING	

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  
301-493-4500, [www.mncppc.org](http://www.mncppc.org)**Date Mailed:** APR 26 2006**Action:** Approved Staff Recommendation  
**Motion** of Commissioner Perdue, seconded by  
Commissioner Bryant, with a vote of 4-1;  
Chairman Berlage and Commissioners Perdue,  
Bryant, and Robinson voting in favor;  
Commissioner Wellington voting against.**MONTGOMERY COUNTY PLANNING BOARD****OPINION**

Preliminary Plan #12002033B (formerly 1-02033B)  
**NAME OF PLAN:** Greenway Village at Clarksburg

*The date of this written opinion is APR 26 2006 (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 within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).*

**I. Introduction**

On 5/18/05, Clarksburg Skylark LLC ("Applicant") submitted an application for the amendment of a previously approved preliminary plan of subdivision of property in the PD-4 zone. The application proposed five waivers to road standards in Montgomery County's Subdivision Regulations. The application was designated Preliminary Plan #120012233B ("Preliminary Plan"), and on January 12, 2006, the Preliminary Plan 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.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the

Greenway Village at Clarksburg  
Preliminary Plan #12002033B (formerly 1-02033B)  
Page 2

information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

**II. SITE DESCRIPTION and SURROUNDING AREA**

The subject property consists of 374-acres of land located in the Clarksburg Master Plan area at the southeast quadrant of the intersection of Piedmont Road and Skylark Road. The property is zoned PD-4 and falls within the Clarksburg Special Protection Area (SPA) for the Little Seneca Creek watershed. The site is bisected by a major tributary of Little Seneca Creek.

Most of the property is currently under construction, or being graded, per previously granted approvals for residential uses. A future retail use area will remain undeveloped pending future site plan approval.

**III. PREVIOUS APPROVALS**

The subject preliminary plan was originally submitted on September 28, 2001. The plan proposed to create a mixed-use development consisting of residential and retail uses. The original application was brought before the Planning Board for a public hearing on February 7, 2002 and was approved for a maximum of 1,330 dwelling units (600 single family detached, 386 single family attached, and 344 multi-family units) and 89,000 square feet of retail uses. The approval was granted subject to conditions as set forth in the Opinion of the Board mailed on March 6, 2002.

Subsequent to this approval, an application for Site Plan was filed for Phases 1 and 2 of the development. The site plan included 486 dwelling units on 164 acres of the overall property and was approved by the Planning Board on September 12, 2002. This site plan approval was followed by a request to amend the approved preliminary plan. That amendment was approved by the Planning Board on October 10, 2002 with conditions as set forth in the Opinion dated November 7, 2002, including the granting of waivers for lot frontage and road centerline radii needed to permit the layout reflected in the approved Phase 1 and 2 site plan. The Planning Board approved a second site plan for Phases 3, 4 and 5 of the project on July 22, 2004. The plan included 844 dwelling units on another 210 acres of the overall tract. The conditions of approval for the site

Greenway Village at Clarksburg  
Preliminary Plan #12002033B (formerly 1-02033B)  
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plans are set forth in the Planning Board Opinions dated October 16, 2002 and September 28, 2004.

**IV. PROPOSED PRELIMINARY PLAN AMENDMENT**

The currently proposed preliminary plan amendment requests Planning Board approval of several waivers from the Subdivision Regulations, Chapter 50 of the Montgomery County Code. The waiver requests involve variation from the lot frontage and roadway design standards of the Chapter. The waivers are needed to permit the lot and roadway layout reflected in the approved Site Plan for Phases 3, 4 and 5 of the development. Although the Planning Board discussed design variations as part of the site plan approval, it was acknowledged at that time that preliminary plan amendment was needed to formally address the waivers and complete the record.

By letter dated November 18, 2005, and supplemental e-mail dated December 29, 2005, the Applicant requested five waivers from the Subdivision Regulations. Each waiver is discussed below along with staff findings and recommendations.

A. Waiver of Section 50-26(h)(3)1 to permit sidewalk on only one side of Blue Flag Circle, a one-way tertiary street serving lots on only one side of the street.

Section 50-26(h)(3) requires sidewalks on both sides of a tertiary street unless the Planning Board waives the requirement for one or both sides of the street, based on a finding that pedestrians will be able to safely use the roadway. Staff recommended that the Board approve the waiver based on the fact that the houses are located on only one side of the proposed street, and because elimination of one sidewalk will reduce the amount of impervious surfaces within a SPA. Staff testified that the proposed sidewalk, on the side of the street fronting the proposed lots will provide safe access for pedestrians.

B. Waiver of Section 50-26(e)(3) pursuant to Section 50-38(a) to permit less than 25 foot truncation at roadway intersections.

Section 50-26(e)(3) requires corner lots at intersections to be truncated for road dedication purposes by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist, which prevent full compliance with the requirements. Staff supported the proposed waiver based upon its conclusions that (1) the proposed radius truncations, which permit houses to be located closer to the road right-of-way, facilitate the community's neo-traditional design, and (2) intersection sight distance and sign installation will not be adversely impacted by the design.

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<sup>1</sup> All Code references to Chapter 50 of the Montgomery County Code, known as the Subdivision Regulations.

Greenway Village at Clarksburg  
Preliminary Plan #12002033B (formerly 1-02033B)  
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Montgomery County Department of Public Works and Transportation (DPWT) and Fire and Rescue Service (MCFRS) staff reviewed the waiver request and submitted their approval letters. Staff recommended approval of the waiver request, finding that the waiver is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

- C. Waiver of Section 50-29(a)(2) pursuant to Section 50-38(a) to permit single family detached lots 5,6 and 42/Block U; 8-11/Block FF; 16-24/Block W; 44-53/Block X; and 22, 25-28, and 31/Block R to have no frontage on a public street.

Section 50-29(a)(2) requires, except as otherwise provided in the zoning ordinance, that all single family detached lots abut a road or street which has been dedicated for public use, or which has acquired the status of a public street. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist, which prevent full compliance with the requirements. Here, practical difficulties are created by the application of this requirement to the implementation of the neo-traditional design of Greenway Village. Staff found that the proposed design best implements the intent and recommendations of the Clarksburg Master Plan by facilitating a community which has a hierarchy of streets, including a series of alleyways, with a mix of housing types and densities, along with an integration of green areas throughout the development. Staff supported the requested waiver of frontage on a public street for the subject lots in Phases 3, 4, and 5, as was previously granted for certain lots in Phases 1 and 2 of the development. The requested waiver facilitates the replacement of certain roads with green spaces that significantly reduce the amount of paving in the development, increase the areas available for treatment of stormwater runoff, and create visible open areas and gathering spaces for the community. MCFRS reviewed the alternative fire access proposed for the lots without public street frontage and determined that all the houses will be adequately served by the proposed driveways. Based on these findings, staff recommended approval of the waiver request, finding that it is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

- D. Finding, pursuant to Section 50-26(e)(1), that proposed road intersections have been designed as nearly as possible to right angles, and no waiver of this provision is required.

Section 50-26(e)(1) requires that streets be laid out so as to intersect as nearly as possible at right angles. In no instance may two new streets intersect at an angle less than seventy (70) degrees. The subject property's environmental buffer areas, which dictate curvilinear roadway configurations, prevent certain streets from intersecting at right angles. However, in no instance will an intersection angle be less than 70 degrees. MCDPS has approved the intersections from a circulation standpoint, and approvals have been granted by DPWT and MCFRS. The proposed road

Greenway Village at Clarksburg  
Preliminary Plan #12002033B (formerly 1-02033B)  
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intersections have been designed as nearly as possible to right angles given the environmental constraints of the site. Therefore, staff testified that the roads meet the requirements of Section 50-26(e)(1) and that a waiver of this section is not necessary.

E. Waiver of Section 50-26(f) pursuant to Section 50-38 to permit a centerline radii of less than 100 feet on Aurora Hills Drive and Blue Flag Circle.

Section 50-26(f) states that the centerline radius for a tertiary street shall be a minimum of 100 feet. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist, which prevent full compliance with the requirements. Staff found that the request for a waiver of the required 100-foot radii for the designated streets would maintain the integrity of the neo-traditional design. To meet minimum DPWT operational requirements, the affected roadways will be signed as one-way roads, with no on-street parking. MCFRS concur with DPWT's findings that this configuration will be acceptable. Staff recommended approval of the waiver request, finding that it is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

IV. PUBLIC HEARING

Staff recommended approval of the Application in its memorandum dated December 29, 2005 ("Staff Report"). Staff discussed the previous approvals associated with this Application and the relevance of the waivers sought in this Application to the prior approvals. Staff presented its findings consistent with the Staff Report at the public hearing, recommending approval of the Preliminary Plan Amendment.

The Board questioned Staff as to the interrelationship between this Application and the Board's consideration of Phase 1 and 2. Staff clarified that the waivers in this Application affected Phases 3, 4, and 5, and that this Preliminary Plan could stand alone as an application. Commissioner Wellington questioned Staff regarding whether a site plan amendment review for Phases 3, 4, and 5 was pending and the applicability of development standards to the Application, as well as the interrelationship between development standards for this Preliminary Plan and the plans approved for Phases 1 and 2. Staff confirmed that a site plan amendment would be prepared for Phases 3, 4, and 5; that both site plans propose the same set of development standards for the entire project; and that the approved site plan indicated a height limitation of 4 stories. Staff indicated that, due to the revised method of designating height limitations in feet rather than in stories, the Board would be presented with specific heights for each type of residential unit in feet during site plan review. The Applicant further testified in rebuttal that development standards applied to the site plan, but that clarifications were required because past practice had allowed height expressed in stories and setbacks expressed graphically, rather than in a tabular format specifying the number of feet.

Greenway Village at Clarksburg  
Preliminary Plan #12002033B (formerly 1-02033B)  
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The Applicant appeared at the hearing represented by legal counsel, who expressed Applicant's concurrence with the Staff Report as conditioned.

Two speakers testified against aspects of the Preliminary Plan. First, the Chair of the Clarksburg Civic Association Planning Committee requested that consideration of this Application be postponed. She testified that two problems involving vehicular access had surfaced in Phases 1 and 2, expressing concern that the problems might also extend to Phases 3, 4, and 5: (1) school bus routing problems within the subdivision(s); and (2) inability of recycling trucks to access the alleyways behind the homes, requiring that recycling bins, unlike regular trash, be placed in front of the homes, creating inconvenience for owners. She asked the Board to consider several questions and undertake a full investigation before granting the requested waivers. Specifically, the speaker sought clarification of several points in the Staff Report. First, regarding the waiver of Section 50-26(e)(3) pursuant to Section 50-38(a) to permit less than a 25-foot truncation at roadway intersections, the speaker requested a quantification on the Preliminary Plan of the "theoretical property line" from which the truncation measurement is made. Second, regarding the requested waiver of Section 50-29(a)(2) pursuant to Section 50-38(a) to permit single family detached lots to have no frontage on a public street, the speaker asked for clarification of what the alleyway width behind these lots for trash and recycling pickup access. Finally, the speaker questioned what the actual centerline radius would be if the Board permitted the requested waiver of Section 50-26(f) pursuant to Section 50-38, to permit a centerline radii of less than 100 feet on Aurora Hills Drive and Blue Flag Circle.

The second speaker, a resident of the Aurora Hills neighborhood, expressed concern that school buses could not use portions of neighborhood roads, resulting in a dangerous school bus stop on Skylark Drive. He testified that the County had determined the alleyways behind the homes were insufficiently wide for recycling trucks, requiring residents to place recycling in front of the homes and discouraging recycling by residents. He also asked the Board to scrutinize the two intersections on Skylark Drive to ensure they would be safe and adequate.

The Applicant testified in rebuttal that the trash contractor was able to access alleys, while recycling is through the public streets, which consisted of a tertiary road system sufficient to accommodate the recycling truck vehicles. The Board asked Applicant to specify the width of the tertiary streets. The Applicant provided this information to the Board, noting that where active construction was ongoing, ease of vehicular access might at times be reduced, but was not indicative of the underlying sufficiency of the road structure. The Applicant testified that, with regard to the questioned intersections on Skylark Drive, required road improvements for a bridge construction were progressing and would provide adequate and safe intersections.

The Board asked Staff for clarification of the meaning of a truncation and details regarding the requested waiver of Section 50-26(e)(3) pursuant to Section 50-38(a) to

Greenway Village at Clarksburg  
Preliminary Plan #12002033B (formerly 1-02033B)  
Page 7

permit less than 25-foot truncation at roadway intersections. Staff explained the details of the truncation concept and submitted an illustration, which the Board requested be included in the Record as Illustration "A".

The Board questioned the Applicant regarding the speaker's concerns about the alleyway width and recycling truck access. Applicant indicated that a private contractor picks up the nonrecyclable trash, and their smaller trucks could access the alleyways behind the homes whereas the County recycling contractor's trucks used the public streets in front of the homes. The Board questioned Staff and Applicant regarding the effect of the waiver of public street frontage for certain homes on recycling pickup. Staff explained that these homeowners would need to cross the open space in front of their homes in order to leave recyclables on the public street. The Board noted that the purchasers of the properties without frontage on a public street benefited from frontage on the green space, an aspect of neotraditional community design.

Commissioner Wellington questioned Staff regarding the scheduling of Board consideration of the site plan amendment associated with the Preliminary Plan. She stated her preference that consideration of the Preliminary Plan be deferred for concurrent review with the associated site plan amendment, and ultimately voted against the majority based on these grounds.

The Board questioned Staff about the specifics of each individual waiver, including the method of illustration of the proposed waivers within the Application and Preliminary Plan documents. Staff provided details about each waiver and methods of illustration within the Preliminary Plan.

## **V. FINDINGS**

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>2</sup>; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board:

- a) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-35(l), that the Preliminary Plan No. 1-12002033B substantially conforms to the Clarksburg Master Plan.
- b) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-35(k), that public facilities will be adequate to support and service the area of the proposed subdivision.

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<sup>2</sup> The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

Greenway Village at Clarksburg  
Preliminary Plan #12002033B (formerly 1-02033B)  
Page 8

- c) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-29(a)(1), that the size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.
- d) Finds that the application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) Finds that the application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) Approves the waiver of MONTGOMERY COUNTY CODE § 50-26(h)(3) to permit sidewalks on only one side of Blue Flag Circle, a one-way tertiary street serving lots on only one side of the street, based on a finding that pedestrians will be able to safely use the roadway. In so finding the Board adopts and incorporates Staff's analysis and recommendations by reference.
- g) Approves the waiver of MONTGOMERY COUNTY CODE § 50-26(e)(3) pursuant to § 50-38(a) to permit less than 25 foot truncation at roadway intersections. The Board finds that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved. The Board finds that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.
- h) Approves the waiver of MONTGOMERY COUNTY CODE § 50-29(a)(2) pursuant to § 50-38(a) to permit single family detached lots 5,6 and 42/Block U; 8-11/Block FF; 16-24/Block W; 44-53/Block X; and 22, 25-28, and 31/Block R to have no frontage on a public street. The Board finds that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved. The Board finds that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.
- i) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-26(e)(1), that the proposed streets intersecting with less than right angles will be laid out so as to intersect as nearly as possible at right angles; and thus, that a waiver of

Greenway Village at Clarksburg  
Preliminary Plan #12002033B (formerly 1-02033B)  
Page 9

Section 50-26(e)(1) is not required. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.

- j) Approves the waiver of MONTGOMERY COUNTY CODE § Section 50-26(f) pursuant to § 50-38(a) to permit a centerline radii of less than 100 feet on Aurora Hills Drive and Blue Flag Circle. The Board finds that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved. The Board finds that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest. In so finding, the Board adopts and incorporates Staff's analysis and recommendations by reference.
- k) Finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

**VI. CONDITIONS OF APPROVAL**

Finding Preliminary Plan No. 1-12002033B in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-12002033B, including a Preliminary Water Quality Plan, and a waiver pursuant to §50-26(h)(3) to permit sidewalk on only one side of a public road, a waiver of §50-26(e)(3) pursuant to §50-38(a) to permit non-standard intersection truncations, a waiver of §50-26(f) pursuant to §50-38(a) to permit centerline radii of certain roadways to be less than 100 feet, and a waiver of §50-29(a)(2) pursuant to §50-38(a) to permit lots without frontage on a public street, in the locations shown on the preliminary plan, subject to the following conditions:

- 1) Compliance with DPWT's conditions of approval dated December 19, 2005.
- 2) All previous conditions of approval as contained in the Planning Board Opinion dated November 7, 2002 remain in full force and effect.

\* \* \* \* \*

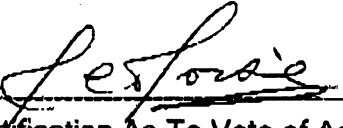
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

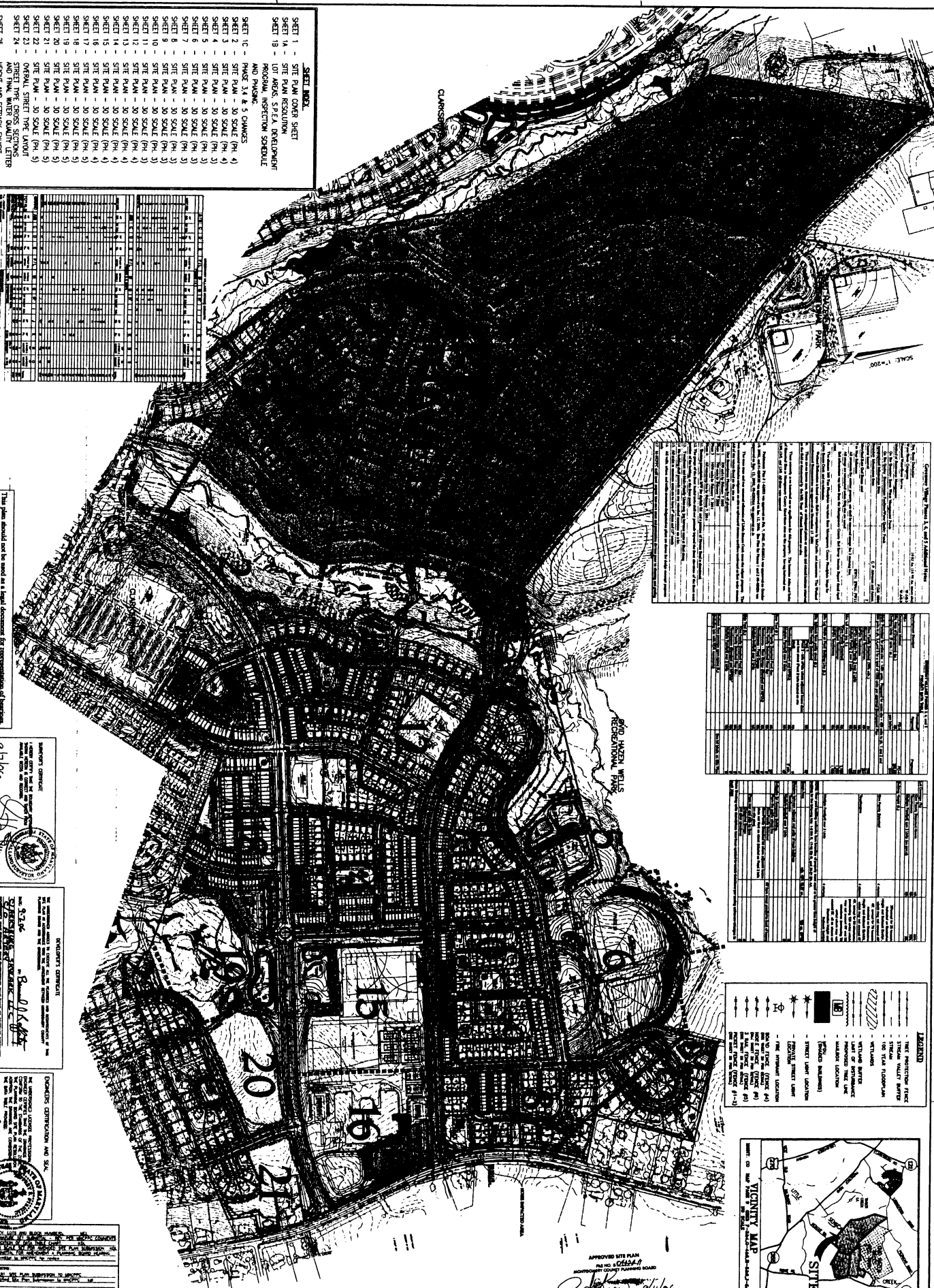
APPROVED AND FORWARDED:  
PJO 4/14/06  
MONTGOMERY COUNTY PLANNING BOARD

Greenway Village at Clarksburg  
Preliminary Plan # 12002033B (formerly 1-02033B)  
Page 10

**CERTIFICATION OF BOARD ADOPTION OF OPINION**

At its regular meeting, held on **Thursday, April 20, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, with four Commissioners present, Vice Chair Perdue was necessarily absent, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan Review # 12002033B (formerly 1-02033B), Greenway Village at Clarksburg.**

  
\_\_\_\_\_  
Certification As To Vote of Adoption  
**M. Clara Moise, Technical Writer**



- SHEET INDEX**
- SHEET 1 - SITE PLAN COVER SHEET
  - SHEET 2 - SITE PLAN RESOLUTION
  - SHEET 3 - LOT AREA, S.F.E.A. DEVELOPMENT PROGRAM, INSPECTION SCHEDULE AND PAVING
  - SHEET 4 - PHASE 3, 4 & 5 CONVEYANCES
  - SHEET 5 - SITE PLAN - 30 SCALE (PH. 4)
  - SHEET 6 - SITE PLAN - 30 SCALE (PH. 3)
  - SHEET 7 - SITE PLAN - 30 SCALE (PH. 3)
  - SHEET 8 - SITE PLAN - 30 SCALE (PH. 3)
  - SHEET 9 - SITE PLAN - 30 SCALE (PH. 3)
  - SHEET 10 - SITE PLAN - 30 SCALE (PH. 3)
  - SHEET 11 - SITE PLAN - 30 SCALE (PH. 3)
  - SHEET 12 - SITE PLAN - 30 SCALE (PH. 3)
  - SHEET 13 - SITE PLAN - 30 SCALE (PH. 4)
  - SHEET 14 - SITE PLAN - 30 SCALE (PH. 4)
  - SHEET 15 - SITE PLAN - 30 SCALE (PH. 4)
  - SHEET 16 - SITE PLAN - 30 SCALE (PH. 4)
  - SHEET 17 - SITE PLAN - 30 SCALE (PH. 4)
  - SHEET 18 - SITE PLAN - 30 SCALE (PH. 4)
  - SHEET 19 - SITE PLAN - 30 SCALE (PH. 4)
  - SHEET 20 - SITE PLAN - 30 SCALE (PH. 4)
  - SHEET 21 - SITE PLAN - 30 SCALE (PH. 4)
  - SHEET 22 - OVERALL STREET TYPE LAYOUT
  - SHEET 23 - STREET TYPE CROSS SECTIONS
  - SHEET 24 - 30' WIDE WATER QUALITY LETTER HEAD AND STITCHED COVER
  - SHEET 25 -

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/1/06	PRELIMINARY	J. Johnson	
2	10/1/06	REVISION	J. Johnson	
3	10/1/06	REVISION	J. Johnson	
4	10/1/06	REVISION	J. Johnson	
5	10/1/06	REVISION	J. Johnson	
6	10/1/06	REVISION	J. Johnson	
7	10/1/06	REVISION	J. Johnson	
8	10/1/06	REVISION	J. Johnson	
9	10/1/06	REVISION	J. Johnson	
10	10/1/06	REVISION	J. Johnson	
11	10/1/06	REVISION	J. Johnson	
12	10/1/06	REVISION	J. Johnson	
13	10/1/06	REVISION	J. Johnson	
14	10/1/06	REVISION	J. Johnson	
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18	10/1/06	REVISION	J. Johnson	
19	10/1/06	REVISION	J. Johnson	
20	10/1/06	REVISION	J. Johnson	
21	10/1/06	REVISION	J. Johnson	
22	10/1/06	REVISION	J. Johnson	
23	10/1/06	REVISION	J. Johnson	
24	10/1/06	REVISION	J. Johnson	
25	10/1/06	REVISION	J. Johnson	

This plan should not be used as a legal document for representation of boundaries, distances, lot areas, bearings and easements. For recorded information, please see record plan or applicable recorded documents.

**SEALING CONTRACT**  
I, the undersigned, do hereby certify that the above is a true and correct copy of the original plan as filed in my office.  
*[Signature]*  
J. Johnson  
10/1/06

**SEALING CONTRACT**  
I, the undersigned, do hereby certify that the above is a true and correct copy of the original plan as filed in my office.  
*[Signature]*  
J. Johnson  
10/1/06

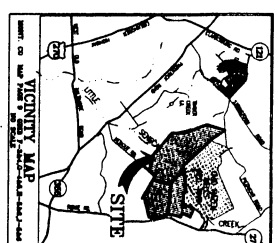
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10/1/06

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*[Signature]*  
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10/1/06

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*[Signature]*  
J. Johnson  
10/1/06

**CERTIFIED SITE PLAN**  
AMENDED SITE DEVELOPMENT PLAN - PHASES 3, 4 AND 5  
**GREENWAY VILLAGE AT CLARKSBURG**  
CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**RECEIVED**  
SEP 7 2006  
DEVELOPMENT REVIEW



**CPI Associates**  
Charles F. Johnson & Associates, Inc.  
PLANNERS - ENGINEERS - LANDSCAPE ARCHITECTS - SURVEYORS  
100 E. MAIN ST. SUITE 200 BALTIMORE, MARYLAND 21202  
Phone: (410) 528-1100 Fax: (410) 528-1101  
www.cpi-associates.com

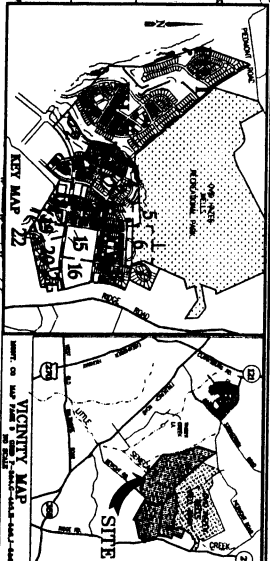




**LEGEND**

PROPOSED TRAIL LINK  
 100 YD FLOODPLAIN  
 WETLANDS  
 LIMIT OF DISTURBANCE  
 STREET LIGHT LOCATION  
 PROPOSED STREET LIGHT  
 FIRE HYDRANT LOCATION

PROPOSED TRAIL LINK  
 100 YD FLOODPLAIN  
 WETLANDS  
 LIMIT OF DISTURBANCE  
 STREET LIGHT LOCATION  
 PROPOSED STREET LIGHT  
 FIRE HYDRANT LOCATION



**REVISIONS**

NO.	DATE	DESCRIPTION
1	4/17/00	Initial Design
2	8/16/00	Revised Design

DESIGNED BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

**GRAPHIC SCALE**

1" = 20'

**Site Plan & FCP #B2004022A**  
**Prelim. Plan #1-02033A**  
**NRI-FSD #4-02076**

**AMENDED SITE DEVELOPMENT PLAN - PHASES 3, 4 AND 5**  
**GREENWAY VILLAGE AT CLARKSBURG**  
 CLARKSBURG (2nd) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

**APPROVED SITE PLAN**  
 THE NO. 4, 2004  
 MONTGOMERY COUNTY PLANNING BOARD

**APPROVED**  
 [Signature]  
 [Signature]

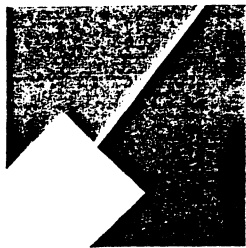
**CPI** Charles P. Johnson & Associates, Inc.  
 PLANNERS - DESIGNERS - LANDSCAPE ARCHITECTS - SURVEYORS  
 100 E. 10TH AVE. SUITE 100, SILVER SPRING, MARYLAND 20910  
 PHONE: 301-581-1100 FAX: 301-581-1101  
 WWW.CPI-ASSOCIATES.COM

This plan is based on the information provided by the applicant and is not a guarantee of accuracy. The applicant is responsible for the accuracy of the information provided. The engineer is not responsible for the accuracy of the information provided.

**NOTES**

1. This plan is based on the information provided by the applicant and is not a guarantee of accuracy. The applicant is responsible for the accuracy of the information provided. The engineer is not responsible for the accuracy of the information provided.
2. This plan is based on the information provided by the applicant and is not a guarantee of accuracy. The applicant is responsible for the accuracy of the information provided. The engineer is not responsible for the accuracy of the information provided.
3. This plan is based on the information provided by the applicant and is not a guarantee of accuracy. The applicant is responsible for the accuracy of the information provided. The engineer is not responsible for the accuracy of the information provided.

**3**  
**25**



AUG - 9 2006

MCPB No. 06-57  
Site Plan No. 82004022A  
Greenway Village - Phases 3, 4, 5

## MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code ("Code") Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is required to review site plan applications; and

WHEREAS, pursuant to Code Section 59-D-3.4(b), following a public hearing on the application, the Planning Board must, by resolution, approve, approve with conditions or disapprove a proposed site plan; and

WHEREAS, Code Section 59-D-3.4(b) defines the required contents of a Planning Board resolution regarding a site plan; and

WHEREAS, the Planning Board, in reaching its decision on a site plan, must determine that the site plan meets all the requirements of Code Section 59-D-3.4(c); and

WHEREAS, on July 15, 2005, Clarksburg Skylark, LLC ("Applicant") filed an application for amendment of a site plan for a maximum of 844 dwelling units, of which 118 are Moderately Priced Dwelling Units (MPDUs), including 276 one-family detached dwelling units, 320 townhouse dwelling units, and 248 multi-family dwelling units, on 209.27 gross acres of PD-4-zoned land ("Site Plan") in the vicinity of the intersection of Skylark and Newcut Roads and west of Ridge Road within the Newcut Road Neighborhood of the Clarksburg Master Plan area ("Property" or "Subject Property"); and

WHEREAS, on February 7, 2002, the Planning Board approved Preliminary Plan No. 120020330 (formerly 1-02033) for the proposed development; and

WHEREAS, on October 10, 2002, the Planning Board approved Preliminary Plan No. 12002033A (formerly 1-02033A) as an amendment to Preliminary Plan No. 120020330 for the proposed development; and

WHEREAS, on July 22, 2004, the Planning Board approved Site Plan No. 820040220 (formerly 8-04022) for the proposed development; and

WHEREAS, the Applicant's site plan amendment application was designated Site Plan No. 82004022A, Greenway Village - Phases 3, 4, 5 (the "Amendment"); and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other governmental agencies, on June 8, 2006, Staff presented the Amendment to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, prior to the Hearing, on May 26, 2006, Staff had issued a memorandum to the Board setting forth its analysis and recommendation for approval of the Amendment subject to certain conditions ("Staff Report"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record ("Record") on the Amendment and approved the Amendment on the motion of Commissioner Robinson, seconded by Commissioner Bryant, with Chairman Berlage and Commissioners Bryant and Robinson voting in favor of the motion, Commissioner Wellington voting against the motion, and Commissioner Perdue being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 82004022A for a maximum of 844 dwelling units, of which 118 are MPDUs, including 276 one-family detached dwelling units, 320 townhouse dwelling units, and 248 multi-family dwelling units, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan No. 12002033A for Greenway Village at Clarksburg listed in the Planning Board opinion dated November 7, 2002, and with any subsequent preliminary plan amendments.

2. Fire and Rescue Services

The development shall conform to changes mandated by the Montgomery County Fire and Rescue Service in accordance with the memorandum dated December 30, 2005.

3. Development Program

The Development Program and Site Plan Enforcement Agreement approved for Site Plan No. 820040220 shall be amended by the Applicant and reviewed and approved by Staff prior to approval of the Certified Site Plan. The Applicant shall construct the development in accordance with the amended and approved Development Program and the amended and approved Site Plan Enforcement Agreement.

The amended and approved Development Program must include the following phasing schedule:

- a. Street trees shall be planted as street construction is completed, but no later than six months after completion of units adjacent to that street.
- b. Community-wide pedestrian pathways shall be completed or bonded prior to the issuance of the 676th building permit.
- c. Recreation facilities shall be completed prior to the issuance of the 676th building permit.
- d. Landscaping associated with open spaces and streets shall be completed as construction of adjacent homes is completed.
- e. Pedestrian pathways and seating areas associated with each recreation area shall be completed as construction of adjacent homes is completed.
- f. Right-of-way and other dedications, stormwater management facilities, sediment and erosion control plans, recreation areas, community and other paths, and other features shall be completed as approved.

4. Certified Site Plan

The Applicant shall submit a Certified Site Plan that reflects the conditions of approval contained in this Site Plan No. 82004022A. The Certified Site Plan must include landscape and lighting plans, forest conservation plans, and sediment and erosion control plans. The Certified Site Plan must:

- a. Include the data table approved with Site Plan No. 82004022A, setting out the development standards for the proposed development, including the area under development; the number of dwelling units; the minimum lot areas for each housing type; front, side, and rear yard setbacks; lot coverage; and building heights, which must be delineated in feet.
- b. Include a Height and Setback Exhibit that will be the formal mechanism for determining which units may exceed 35 feet for one-family detached units, 40 feet for townhouses, and 40 feet for 2-over-2 multifamily units. This Exhibit shall also indicate for each unit the point from which height will be measured, as approved by the Planning Board.
- c. Provide the size in square feet for each lot depicted on the Certified Site Plan.
- d. Provide a development program, inspection schedule, and amended Site Plan Enforcement Agreement for approval by M-NCPPC staff.
- e. Show limits of disturbance.
- f. Indicate methods and locations of tree protection.
- g. Include a note stating that M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- h. Ensure that outfalls are located away from tree preservation areas.

5. Environmental Planning

The Applicant shall:

- a. Comply with the conditions of the Final Forest Conservation Plan approved on October 7, 2005. The Applicant must satisfy all conditions of the Final Forest Conservation Plan before recording plats or receiving sediment and erosion control permits from the Montgomery County Department of Permitting Services (DPS).
- b. Comply with the conditions of the Final Water Quality Plan approved concurrently with Site Plan No. 820040220 on July 22, 2004.
- c. Show on all relevant record plats a Category I conservation easement over all stream buffers and forest conservation areas.

- d. Consider first priority for reforestation to be areas within the same watershed as the development and within the Clarksburg Special Protection Area (SPA); second priority to be areas only within the Clarksburg SPA; and third priority to be areas within the same watershed as the development but outside the SPA. If no planting sites are available in a priority location, the Applicant may use the fee-in-lieu option to meet offsite planting requirements.
- e. Begin reforestation of stream buffer areas in the first planting season after DPS issues the first grading permit.
- f. Obtain Planning Board approval of encroachment into stream buffers for stormwater management or sediment control facilities, except for necessary outfalls and temporary sediment control facilities in non-forested stream buffers. If later review of facility design shows that a facility is improperly sized and must be enlarged to accommodate proposed drainage areas, the Applicant must find the needed additional space outside of stream buffers, even if facilities must be reconfigured and developable areas lost as a result.
- g. Prepare and submit a complete noise analysis that identifies the 60 dbA and 65 dbA Ldn noise contours and indicates the method necessary to attenuate exterior noise levels to 60 dbA for the usable portion of residential lots.
- h. Certify, using an engineering firm experienced in acoustical analysis, that the building shell for residential units that will be built inside the unmitigated 60 dbA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level that does not exceed 45 dbA Ldn. An acoustical engineering firm must certify that any revision meets the aforementioned requirements, and Environmental Planning staff must approve any such revision prior to its implementation.
- i. Conduct an outdoor-to-indoor noise analysis, after completion of residential units and before occupancy, to ensure that the 45 dbA Ldn interior noise level has been achieved for residential units inside the unmitigated 60 dbA Ldn noise contour. The Applicant must submit the results of each analysis to Environmental Planning staff.
- j. Disclose in writing to prospective purchasers of all residential dwelling units inside the unmitigated 60 dbA Ldn noise contour that existing and future highway noise will have an impact on the unit. To meet this requirement, the notification shall be included in at least one of the

following: sales contracts on display in any sales-related office, homeowners association documents, subdivision plans and site plans, or Deeds of Conveyance.

6. Parks

The Applicant shall apply for and receive construction permits from the Parks Department prior to beginning construction of park facilities. The Applicant also shall:

- a. Dedicate to M-NCPPC the areas identified on the Certified Site Plan as Park 6, Park 11, and Park 19. The dedication of Park 6 and Park 11 must not include any stormwater management ponds or facilities. The dedicated areas must be conveyed at the time plats are recorded for project areas including the parks, adjacent roads, and lots. The dedicated property must be conveyed free of trash and unnatural debris. All boundaries must be adequately staked and signed to delineate private property from parkland.
- b. Engineer and construct the master planned eight foot wide, hard surface Greenway Trail from the southern boundary of Park 6, through the parkland along the east side of the tributary to Little Seneca Creek, to the intersection of Skylark Road and Arora Hills Drive. The trail is to cross Skylark Road at this intersection and continue along the alignment of the original Skylark Road and connect with trails in Ovid Hazen Wells Recreational Park. The exact location of the trail alignment and construction specifications must be coordinated with and approved by Planning Department and Parks Department staff in compliance with Special Protection Area guidelines. The trail is to connect at its southern end with the Greenway Trail being constructed in connection with the Clarksburg Village development project.
- c. Engineer and construct an eight foot wide, hard surface trail through Park 6 between Cypress Spring Road and the Greenway Trail, with a connection to Arora Hills Drive. This trail shall include a bridge and boardwalk as determined by Planning Department and Parks Department staff in compliance with Special Protection Area guidelines. This trail must be built to park standards and specifications and must include adequate signage.
- d. Engineer and construct, to park standards and specifications, the following Local Park facilities and amenities in the dedicated Park 19 and adjacent areas now part of Ovid Hazen Wells Recreational Park:

- i. One adult sized baseball field and one adult sized softball field with appropriate fencing, backstops, benches, grading, seeding, and landscaping as determined by Parks Department staff to meet park field standards and specifications. The exact size of the baseball fields will be determined by Parks Department staff.
- ii. One adult sized basketball court, at least 56 feet by 92 feet, with poles, backboards, hoops, nets, court surfacing, and benches, as determined by Parks Department staff to meet park field standards and specifications.
- iii. Two picnic shelters each of sufficient size to accommodate at least four picnic tables. Four picnic tables must be installed in each shelter.
- iv. A centrally located water line with a diameter of at least 1.5 inches and hose/irrigation system connections from said water line to each field. The Applicant shall install a drinking fountain at a central location and coordinate location of the irrigation system connection and the drinking fountain with Parks Department staff.
- v. Raised grass berms at locations to be determined by Parks Department staff.
- vi. A multi-age play area, with equipment, multi-height pergola, structures, and seating to be determined by Parks Department staff.
- vii. A centrally located linear grass mall or green boulevard with paved walkways on both sides, seating, decorative stamped or colored concrete paving areas, bollards and/or stone piers, and a central feature or features, such as a pavilion, kiosk or other visual focus. The choice and details of structures and features shall be determined by Parks Department staff in compliance with Special Protection Area guidelines.
- viii. A curved parking lot with tree islands interspersed throughout and with curbs and wheel stops of types to be determined by Parks Department staff.
- ix. Concrete pads for portable toilets at locations and in sizes to be determined by Parks Department staff.

- x. Landscaping, benches, seating areas, curbs, bollards, bike racks, trails, walls, and fencing throughout the park as determined by Parks Department staff to be necessary to meet park users' needs and create an aesthetically pleasing park experience.
- e. Provide engineering for Local Park site grading, construction and necessary stormwater management facilities. Engineering and design plans for the grading and construction of the Local Park and its facilities must be approved by Parks Department staff. Grading must avoid stream buffers and sensitive resources as deemed necessary by Parks Department staff and comply with Special Protection Area guidelines. Grading must be engineered to avoid slopes greater than 3:1 unless otherwise approved by Parks Department staff.
- f. Begin Local Park construction before work begins on any of the 39 dwelling units located on Arora Hills Drive and Yellowwood Drive and adjacent to the park. All park facilities and amenities must be of a style, design, quality, and location acceptable to Parks Department staff. The Local Park shall be completed prior to receiving the 28th building permit for these 39 dwelling units. The 39 dwelling units are located on the following lots: Block R, Lots 11-14; Block V, Lots 6-9; Block W, Lots 1-14; Block X, Lots 1-14; and Block Z, Lots 1-3.
- g. Notify prospective purchasers of homes adjacent to Ovid Hazen Wells Recreational Park and the new Local Park that houses will be located in the vicinity of active recreational areas.

7. Site Plan

The Applicant shall:

- a. Construct eight foot wide bike path segments along each piece of the Subject Property's frontage along Ridge Road.
- b. Indicate, prior to approval of the Certified Site Plan, any property required from adjacent owners for rights-of-way, green space or other improvements by the Applicant that will be secured before recording of plats.
- c. Maintain the unit orientation to major streets shown on submitted plans, in conformance to the grid pattern consistent with the neighborhood's neo-traditional design.

- d. Ensure that garages for front loaded dwelling units do not protrude beyond the front elevation of the most forward portion of the building, i.e. the front porch.

8. Transportation

The Applicant shall:

- a. Limit development under this site plan to 844 dwelling units so that the total residential development of Greenway Village at Clarksburg does not exceed 1,330 dwelling units.
- b. In accordance with Local Area Transportation Review (LATR) guidelines and the revised phasing of roadway improvements for the Clarksburg Village and Greenway Village at Clarksburg development projects described in the August 22, 2002 letter to David Flanagan and Bernard Rafferty from Transportation Planning staff (attached hereto as Attachment 1), construct offsite improvements to widen MD 27 to six through travel lanes from MD 355 to Brink Road, including additional turn/approach lanes on MD 27 and Brink Road at their intersection. These improvements must be bonded, under construction, or under contract for construction prior to the issuance of building permits for the new development.

9. School Dedication

Dedication of the parcel designated for the future middle school shall be completed prior to recording the last plat for the development.

BE IT FURTHER RESOLVED, that all site development elements shown on the Greenway Village - Phases 3, 4, 5 plans stamped by M-NCPPC on May 26, 2006, shall be required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that the Planning Board's approval of the Amendment is based on the following findings:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Montgomery County Code § 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modified any element of the project plan.*

The Planning Board finds that the Amendment, as modified by the conditions, remains consistent with the Development Plan approved in 2001 by the District Council as part of Local Map Amendment G-735 and also with Development Plan Amendment 04-3, which the District Council approved in 2004.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Planning Board finds that the Amendment, as modified by the conditions, meets all of the requirements of the PD zone. The Planning Board further finds that establishing comprehensive standards, including limits on building heights and setbacks, is necessary to achieve the purposes of the PD zone. These purposes, as provided in Code Section 59-C-7.11, include promoting both "flexibility of design" and "the integration of mutually compatible uses and optimum land planning with greater efficiency" than permitted under conventional zoning categories. A further purpose of the PD zone is to ensure "a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses." Aside from setting requirements for building heights and setbacks, the Amendment establishes standards for more detailed categories such as the minimum distance between adjacent end units of main buildings and setbacks for accessory buildings. The Planning Board finds that this comprehensive set of development standards achieves the purposes of the PD zone by promoting the safety, convenience, and compatibility of the proposed development. The development standards approved by the Board are set forth in the table on the following pages.

**Development Data Table**

<b>Development Standard</b>	<b>Approved by Planning Board for Site Plan No. 82004022A and Binding on Applicant</b>
<b>Zone</b>	PD-4
<b>Area of Development</b>	209 acres
<b>Dwelling Units</b>	844
One-family Detached	276
Townhouse	320
Multi-family (2-over-2 units)	248
<b>MPDUs</b>	118
<b>Minimum Lot Area (square feet)</b>	
One-family Detached	3,700
Townhouse	1,500
MPDU Townhouse	1,150
<b>Minimum Lot Width at Front Building Line</b>	18 feet
<b>Setback from Public Street</b>	
One-family Detached	15 feet
One-family Detached lot where adjacent house does not front on street	5 feet
Townhouse	5 feet
2-over-2 units	10 feet
<b>Rear Yard</b>	
One-family Detached with front garage	20 feet
One-family Detached with rear garage	0 feet
Townhouse with rear garage	0 feet
2-over-2 units	0 feet
<b>Side Yard</b>	
One-family Detached with front garage	4 feet
One-family Detached with rear garage	3 feet
Townhouse	0 feet
2-over-2 units	0 feet

<b>Development Standard</b>	<b>Approved by Planning Board for Site Plan No. 82004022A and Binding on Applicant</b>
<b>Lot Coverage</b>	
One-family Detached	60 percent
Townhouse	75 percent
<b>Maximum Building Height</b>	
One-family Detached	35 feet, except for 23 houses as indicated on Height and Setback Exhibit* which may not exceed 40 feet
Townhouse	40 feet, except for 70 houses as indicated on Height and Setback Exhibit* which may not exceed 45 feet
2-over-2 units	40 feet, except for 60 structures (120 units) that may not exceed 50 feet and 38 structures (76 units) that may not exceed 55 feet, all as indicated on Height and Setback Exhibit*
<b>Green Space</b>	57 percent (120 acres)
<b>Distance between Adjacent End Units</b>	
Townhouse	8 feet
2-over-2 units	8 feet
<b>Setbacks for Accessory Buildings</b>	
From the public street line	
One-family Detached	60 feet from street parallel to front of house
One-family Detached lot where adjacent house does not front on street	5 feet
From rear and side lot lines	
Detached garage	0 feet
All other structures	5 feet

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

The Planning Board finds that the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems proposed by the Amendment, as modified by the conditions,

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\* The Height and Setback Exhibit is attached hereto as Attachment 2.

are adequate, safe, and efficient. The Board further finds that the Amendment remains consistent with the approval for Site Plan No. 820040220 in this regard.

a. Buildings and Structures

As described in Code Section 59-C-7.11, one of the purposes of the PD zone is "to facilitate and encourage a maximum of social and community interaction and activity" within subject developments. The one-family detached and townhouse dwelling units will be arranged predominantly in grids to create a pedestrian oriented neo-traditional community. The front doors of most dwelling units will face major streets, allowing for greater consolidation of open space areas. Tighter spacing of dwelling units will promote a more pedestrian friendly environment along the public sidewalks. The creation of parks in open spaces throughout the proposed development will create a community focus for recreation and interaction.

b. Open Spaces

According to Code Section 59-C-7.11, another purpose for PD zone development is

. . . 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 concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity. . . .

Furthermore, "open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development." The open spaces will feature central greens, sitting areas, shade trees, and decorative planting. As mentioned above, the Applicant has located buildings and structures within the proposed development in such a way as to promote the use of open spaces for community interaction. The establishment of detailed development standards will serve to protect the open spaces from residential encroachment.

c. Landscaping

The landscaping in the proposed development will feature street tree planting, preservation of forested areas, enhancement of buffer planting at the project's perimeter, shrub masses at the perimeters of neighborhood open space areas, and other decorative planting areas. The landscaping and curvilinear grading associated with the stormwater management

ponds will provide a visual relief from the functional form that the ponds typically take. In addition, the landscaping will provide attractive streetscapes and views to adjacent open areas as well as screening for rear yards that would otherwise be visible from public streets, parkland, and bike paths.

d. Recreation Facilities

The Amendment includes the construction of the Clarksburg Greenway, a major regional recreational link, as well as several tributary bike paths within the proposed development. Play areas will be interspersed throughout the open areas within the housing area and parkland adjacent to the homes. In addition, the conditions contain detailed requirements for the construction of Park 19, which will feature baseball fields, basketball courts, and picnic shelters, among other amenities. To limit encroachment upon a forested stream valley buffer, the Applicant has revised the location of the baseball fields and the design of the semi-circular driveway at the entrance to the park.

e. Pedestrian and Vehicular Circulation Systems

The street layout proposed in the Amendment, as modified by the conditions, provides for uniform access for both pedestrians and vehicles throughout the development. Public and private alleys provide access to the backyards of homes with rear loaded garages, thereby allowing for more uniform parking and pedestrian access next to the street within the fronts of lots.

Pursuant to its review of the Amendment, the Montgomery County Fire and Rescue Service mandated certain changes to the street design within the proposed development to improve access for emergency vehicles. These changes, including, for example, the addition of grasscrete pavers to the open space between two groups of townhouses, are incorporated by reference in the conditions. In addition, the Amendment includes modifications required by agencies such as DPS, DPWT, and the Maryland State Highway Administration (SHA). These modifications include, among others: revising street grades, sidewalk ramp locations, and the turning radii of some streets; altering the design of Little Seneca Parkway (A-302) to redirect storm drainage and to include median breaks at certain intersections; and changing from open to closed certain sections of Little Seneca Parkway and Peppervine and Muscadine Drives. The Planning Board finds that these modifications enhance the adequacy,

safety, and efficiency of the pedestrian and vehicular circulation systems in the proposed development.

Further, Code Section 59-C-7.11 lists among the purposes of the PD zone the following:

[T]o encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities, and thereby minimize reliance upon the automobile as a means of transportation.

Paths located within unit blocks link play areas and open spaces to sidewalks. Beyond the unit blocks, bike and pedestrian paths link open spaces with both street-oriented and offsite bike paths within Ovid Hazen Wells Recreational Park and the Clarksburg Greenway trail system. The provision of bike path segments along Ridge Road lays the groundwork for a continuous pedestrian and bike connection to the proposed school, parks, and shopping areas.

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

The Planning Board finds that each structure and use proposed for development in the Amendment, as modified by the conditions, is compatible with other uses and site plans as well as existing and proposed adjacent development. The Board further finds that the Amendment remains consistent with the approval for Site Plan No. 820040220 in this regard.

As mentioned above, buildings within the proposed development are arranged in a grid pattern of lots and blocks with centralized pockets of open space. The Board finds that this standardized treatment allows for a mix of unit types and effective transitions between one-family detached and townhouse dwelling units, which, in turn, satisfies the purposes of the PD zone by providing and encouraging "a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types" while maintaining compatibility. The Board notes that the unit mix presented in the Amendment differs from that approved for Site Plan No. 820040220, especially with regard to the number of townhouse and multi-family dwelling units, and finds that the proposed unit mix further advances the goal of encouraging "a broad range of housing types" without impairing the compatibility of the proposed development with other site plans and adjacent development.

Landscaping will enhance the buffer between dwelling units in the proposed development and adjacent existing homes along the eastern boundary of the project. The construction of community-wide bike path and trail networks that will connect to adjacent subdivisions, coupled with the acceptance of detailed development standards, reflects the Applicant's efforts to accommodate proposed neighboring development projects.

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

The Board finds that the development proposed in the Amendment, as modified by the conditions, meets all applicable requirements of Chapters 22A and 19, respectively.

As stated in the conditions, the Amendment is subject to the Final Forest Conservation Plan approved on October 7, 2005. Pursuant to Code Section 59-C-7.11, an application for development in the PD zone should strive to "preserve and take the greatest possible aesthetic advantage of trees." As mentioned above, forest retention constitutes an element of the Applicant's landscaping design. With regard to reforestation, first priority will be given to those areas within the same watershed as the development and within the Clarksburg Special Protection Area (SPA), second priority will be given to those areas only within the Clarksburg SPA, and third priority will be given to those areas within the same watershed as the development but outside the SPA.

The Amendment remains subject to the Final Water Quality Plan approved concurrently with Site Plan No. 820040220. According to the June 17, 2004 letter from DPS approving the Final Water Quality Plan, water quality control for the proposed development will be provided by a treatment train consisting of vegetated conveyance swales, dry swales (vegetated swales underlain with infiltration structures), bio-retention structures (for small drainage areas), surface sand filters, underground filtering structures, water quality inlets, and recharge structures. Pursuant to requests received from DPS and the Montgomery County Department of Public Works and Transportation (DPWT), and in response to modifications to the stormwater management systems, the Applicant has modified the design of the storm drain system along a portion of Newcut Road. Additional revisions to grading, outfall locations, and access points for several stormwater management facilities within the proposed development will serve to minimize the impact of grading and tree clearing.

In addition, the Applicant will be required to obtain Planning Board approval before encroaching into stream buffers for stormwater management or sediment

control purposes, unless such encroachment is required in non-forested stream buffers for necessary outfalls and temporary sediment control facilities. Where a later design review determines that a facility is improperly sized and must be enlarged to accommodate proposed drainage areas, the Applicant will be required to find additional space outside of stream buffers regardless of whether the facility in question must be reconfigured and developable areas would be lost as a result.

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code Section 59-D-3.8; and

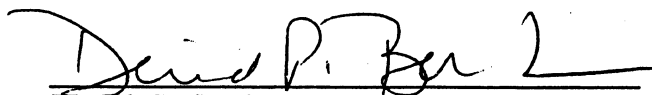
BE IT FURTHER RESOLVED, that the date of this written opinion is WUG - 9 2006 (which is the date that this opinion is mailed to all parties of record), and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

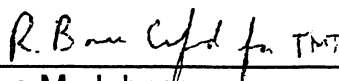
\* \* \* \* \*

At its regular meeting, held on Thursday, July 27, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, with four Commissioners present, and Commissioner Robinson abstaining, and Commissioner Bryant necessarily absent, ADOPTED the above Resolution which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 82004022A, Greenway Village, Phases 3, 4, 5.

Adopted by the Montgomery County Planning Board this 27<sup>th</sup> day of July, 2006.

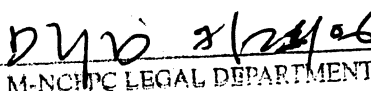


Derick P. Berlage  
Chair, Montgomery County Planning Board



Trudye M. Johnson  
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC LEGAL DEPARTMENT