



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

MCPB  
Item No.  
1-3-08

December 18, 2007

**MEMORANDUM**

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Supervisor *DKH*  
Transportation Planning

FROM: Ki H. Kim, Planner/Coordinator *KHK*  
Transportation Planning

SUBJECT: DPWT Docket No. AB-694 Portion of Bent Arrow Drive, Clarksburg  
DPWT Docket No. AB-695 Portion of British Manor Drive, Clarksburg  
DPWT Docket No. AB-696 Portion of Granite Rock Road, Clarksburg  
DPWT Docket No. AB-697 Portion of Robin Song Drive, Clarksburg

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**RECOMMENDATION**

**Staff recommends approval of the subject abandonments with the following condition.**

- 1. The applicant retains all right-of-way being abandoned in a public improvement easement.**

**DISCUSSION**

These abandonments are for portions of the dedicated right-of-way of four streets in Clarksburg Village as shown on the general location map (Attachment A) and the detailed drawing (Attachment B).

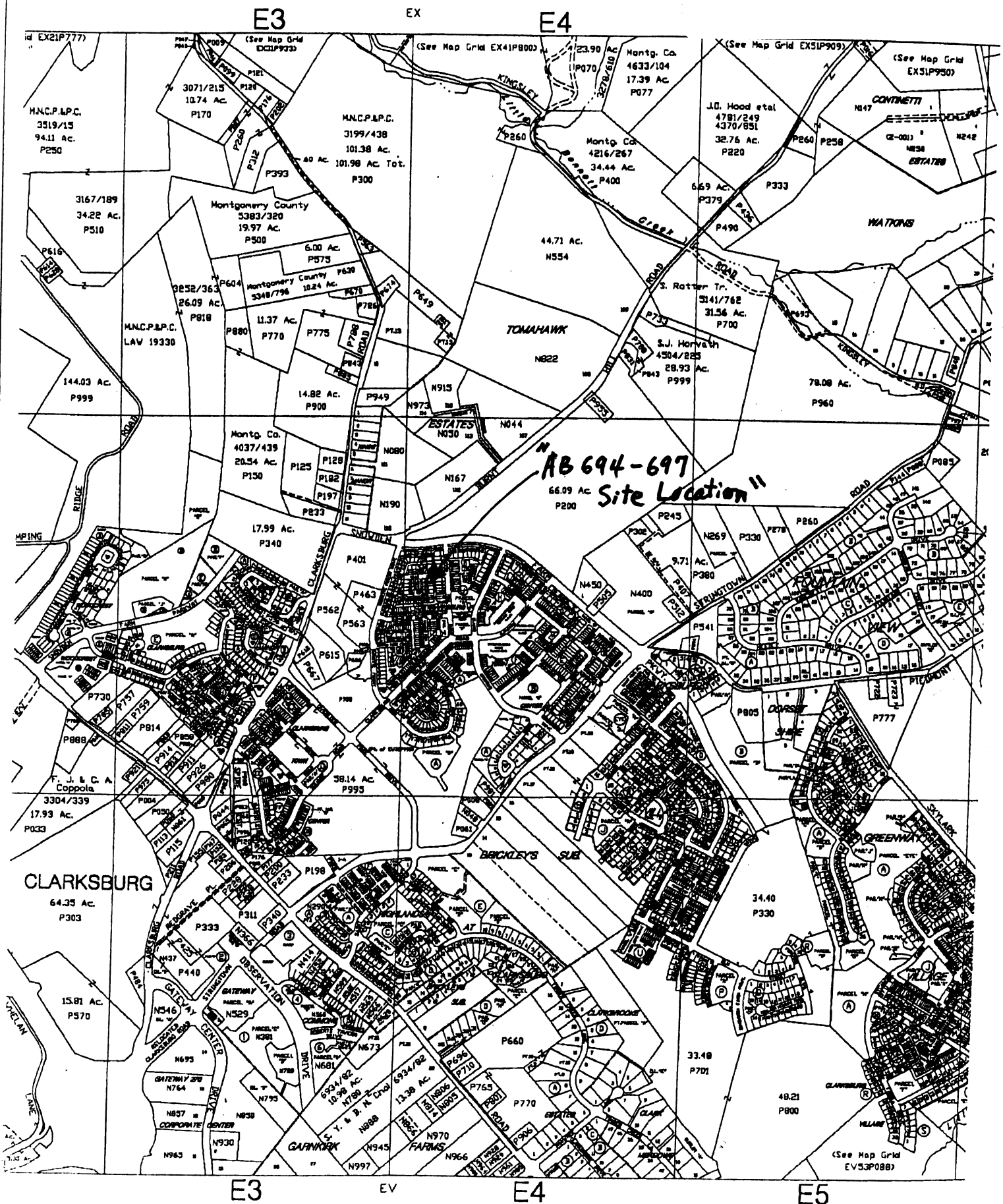
The purpose of these abandonment requests is to modify the right-of-way from 50 feet (Department of Public Works and Transportation Design Standard mc-210.02) to 27feet 4 inches (mc-210.03) by eliminating 11 feet 4 inches of right-of-way on each side of the subject four streets. According to the Clarksburg Village Compliance Program, approved by the Planning Board on October 5, 2006, changes to the right-of-way will then be used to determine setback distance of eight constructed homes, enabling these homes to conform to County Code. Thus, these abandonments are consistent with the Montgomery County Planning Board approved Compliance Program and

Preliminary Plan (Plan No. 12001030C, the Planning Board's Resolution dated July 18, 2007, Attachment C) and Site Plan (Plan No. 820030020B, the Planning Board's Resolution dated September 13, 2007, Attachment D) for the Clarksburg Village Phase I project. It is important to note that the abandonment exists on paper only. The roadway itself will remain the width at which it was built (27 feet 4 inches) and dedicated to public use. The sidewalk contained in the right-of-way being abandoned will be constructed to original plan and maintained through a public improvement easement.

Staff concludes that the portion of the right-of-way of the four streets being abandoned is not necessary for present or anticipated public use except retaining all right-of-way being abandoned in a public improvement easement to be identified on the record plat.

Attachments

## ATTACHMENT A



SCALE IN FEET

COMPILED BY  
MARYLAND DEPARTMENT OF PLANNING  
PROPERTY MAPPING SECTION

PROPERTY LINE  
SUBDIVISION BOUNDARY  
TOWN BOUNDARY

The information shown on this map has been compiled from data available on road signs and is not a substitute for a survey of the area.

**PRIVATE ROAD  
STREAMLINE**

# ADP

MONTGOMERY

# ATTACHMENT B



Site Plan #8-03002B  
Zoning: R-200/MPDU  
R-200/TDR-3

CERTIFIED SITE PLAN AMENDMENT - PHASE I  
CLARKSBURG VILLAGE  
CLARKSBURG (2nd) ELECTION DISTRICT

**CPI** Charles P. Johnson & Associates, Inc.  
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**MONTGOMERY COUNTY PLANNING BOARD**  
THE MONTGOMERY COUNTY CAPITAL PARK AND PLANNING COMMISSION

**JUL 18 2007**

**MCPB No. 07-91**  
**Preliminary Plan No. 12001030C**  
**Clarksburg Village**  
**Date of Hearing: February 1, 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 30, 2006, Clarksburg Village, LLC ("Applicant"), filed an application for approval of an amendment to a previously approved preliminary plan of subdivision, and its associated Special Protection Area water quality plan, for property consisting of 776.88 acres of land located on the northeast side of Stringtown Road and extending eastward to Ridge Road (MD 27) along the stream valley of Little Seneca Creek ("Property" or "Subject Property"), in the Clarksburg master plan area ("Master Plan"); and

WHEREAS, the amendments requested the following changes:

- 1) Revision to the preliminary plan lot and roadway layout, including requests for waivers to permit certain road intersections to have less than 25' truncations, and certain lots without frontage on a public road.
- 2) Request to modify certain tertiary street rights-of-way to reduced-width tertiary street standards.
- 3) Revision to the boundary and acreage of the preliminary plan.
- 4) Request to modify previous conditions of approval to reflect:
  - a) items incorporated in the plan in response to the Compliance Program for Site Plan No. 820030020;

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Suite 100, Clarksburg, MD 20711  
MNCPPC Legal Department

Chairman's Office: 301.495.4605 Fax: 301.495.1320  
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- b) roadway construction requirements that reflect actual MCDPWT field approvals;
- c) latest approvals for the forest conservation and water quality plans;
- d) flexibility in the location and design of certain road-separated trail crossings, and roadway intersections; and
- e) revision to the preliminary plan validity period and phasing schedule for recordation of lots.

WHEREAS, Applicant's application was designated Preliminary Plan No. 12001130C, Clarksburg Village ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 5, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on February 1, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 1, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant, seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Bryant, Hanson, Robinson, and Wellington voting in favor, and Commissioner Perdue absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and approves Preliminary Plan No. 12001030C to amend the previous preliminary plan and Special Protection Area water quality plan, including waivers of §50-26(e)(3) pursuant to §50-38(a) to permit non-standard intersection truncations, and §50-29(a)(2) pursuant to §50-38(a) to permit lots without frontage on a public street, as shown on the preliminary plan; and subject to the following revised conditions of the January 23, 2003 and July 6, 2005 Planning Board Opinions. All other previous conditions of these opinions remain in full force and effect.

- 1) Revise condition #1 of the July 6, 2005 Planning Board Opinion as follows:

Approval under this preliminary plan is limited to a maximum of 2,150 lots for a maximum of 2,654 residential dwelling units, 20,000 square feet office/retail use, and a 5,000 square foot daycare facility.

- 2) Revise condition #6 of the January 23, 2003 Planning Board Opinion as follows:

The applicant shall construct the following roads as standard closed section primary residential streets, unless otherwise approved by MCDPWT:

Street "C" between A-305 and Street "D"  
Street "M" between A-305 and Street "E"  
Street "E" between A-305 and Street "M"  
Street "T" between A-305 and Street "Y"  
Street "Y" between Streets "T" and "Z"  
Street "GG" between its intersections with A-305  
Street "Z" next to school

- 3) Revise condition #7 of the January 23, 2003 Planning Board Opinion as follows:

The applicant shall construct two roundabouts (or otherwise acceptable alternative approved by MCDPWT) on A-305 as shown on the preliminary plan to define the boundaries of the business district portion of this roadway.

- 4) Revise condition #12 of the January 23, 2003 Planning Board Opinion as follows:

At site plan, the following stormwater management facilities to be reconfigured to maintain at least half of the environmental buffer widths as undisturbed areas: Ponds B, C, L, N and V. Reconfigure Pond Q and adjacent sewer line to maintain most of the environmental buffer as undisturbed area. Eliminate, if possible, or minimize the footprint of Pond J by providing stormwater management quantity and quality controls at alternative location. For remaining stormwater management facilities, any environmental buffer encroachments to be no more than that shown on the concept study, dated April 12, 2001, or on the amended Preliminary Plan drawing.

- 5) Replace condition #13 of the January 23, 2003 Planning Board Opinion as follows:

The Applicant shall comply with the conditions of approval of the final forest conservation plan submitted on December 20, 2006. Applicant shall satisfy all conditions of approval before recording of the record plat(s) or MCDPS issuance of erosion and sediment control permits. Conditions include but are not limited to:

- a) Applicant to post a new financial security instrument for the entire forest planting area that includes the additional 2-2½" caliper trees required as part of the site plan Compliance Program.
-

- b) Applicant shall honor the limits of disturbance as shown on the April 12, 2005 approved final forest conservation plan between lots 106 and lot 128 of Block U.
  - c) Applicant to provide compensation for the loss of 2.14 acres of forest that is shown on the April 12, 2005 approved plan. Compensation must be in addition to areas previously shown as saved or planted.
- 6) Revise condition #14 of the January 23, 2003 Planning Board Opinion as follows:
- Conformance to the conditions stated in the MCDPS preliminary water quality plan approval letter, dated July 25, 2001; and the final water quality plan approval letter for the Phase I site plan, dated December 16, 2004, or as otherwise approved by MCDPS.
- 7) Replace existing condition #16 of the January 23, 2003 Planning Board Opinion as follows:
- Applicant to construct an 8-foot wide asphalt hiker/biker trail, with 10-foot wide cleared width boardwalks and bridges, within the Clarksburg Greenway from Stringtown Road to Newcut Road/Little Seneca Parkway, then north to the Greenway Village development to connect with the portion of trail being constructed as part of that project. Greenway Trail and community access trails to include necessary bridges and boardwalk and be constructed to park standards and specifications. Prior to construction, Applicant must obtain a park permit. Trails must be clearly marked or constructed prior to beginning construction on homes adjacent to the Greenway parkland.
- 8) Replace existing condition #17 of the January 23, 2003 Planning Board Opinion as follows:
- The trail alignment for the portion of the Greenway Trail near the confluence of Little Seneca Creek and Town Center Tributary to be determined at the time of permitting for the construction of Little Seneca Parkway/A-302. The preliminary plan shall be revised to show two alternative routes for the Greenway Trail in this stream confluence area. The preferred route would continue through the Bradley Property and would be constructed by Applicant if M-NCPPC can secure, at a reasonable cost, the acquisition of land or easement from the property owner. The alternative route would circumvent the Bradley property on land already owned by Applicant and be constructed if the acquisition of the land or easement cannot be reasonably accomplished by the time permits are needed for construction of Little Seneca Parkway. The exact delineation and details of these two alignments shall be determined as part of the site plan.
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- 9) Revise condition #18 of the January 23, 2003 Planning Board Opinion as follows:

Applicant will construct Foreman Boulevard to allow for a grade separated crossing for the hiker/biker Greenway Trail. The trail crossings should be constructed to accommodate the trail under the road without changing the natural location, configuration, or composition of the stream channel, and should be located to minimize flooding of the trail and minimize surface water runoff from the paved trail directly to the stream. Applicant to provide a safe and adequate Greenway Trail crossing of Midcounty Highway/Snowden Farm Parkway (either grade separated or at grade) that is satisfactory to M-NCPPC and DPWT staff. Exact configuration of this path shall be determined at site plan.

- 10) Replace existing condition #19 of the January 23, 2003 Planning Board Opinion as follows:

The Applicant shall dedicate to M-NCPPC the property within the delineated Clarksburg Greenway along Little Seneca Creek and Little Seneca Tributary. Include in dedication the land along the Little Seneca tributary north of Snowden Farm Parkway to the northern boundary of the project property where the Baltimore Checkerspot Butterfly is located. Land to be conveyed at time of record plat for the lots adjacent to the dedicated property. Dedicated parkland to be conveyed free of trash and unnatural debris, and boundaries between parkland and private properties to be clearly staked and signed.

- 11) Replace existing condition #20 of the January 23, 2003 Planning Board Opinion as follows:

The park area designated as a Local Park and located on the north side of Snowden Farm Parkway in the Phase II section of the project area will be graded according to the park layout concept plan, surfaced with topsoil, fine graded and seeded as appropriate for ball field cover. The park will be dedicated to M-NCPPC at time of record plat for the portion of the property that includes the park area. Applicant to provide engineering for the park site that adequately provides for the planned park facilities and includes needed quantity and quality of stormwater management for these facilities. Applicant to provide adequate off site quantity stormwater management for the planned park facilities, and shall construct quantity and quality stormwater management to sufficiently accommodate any park facilities constructed by the Applicant. Any park improvements are to be constructed to park standards and specifications. Specific types of recreation facilities and their arrangement on the property must be coordinated with M-NCPPC staff.

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- 12) Replace existing condition #21 of the January 23, 2003 Planning Board Opinion as follows:

The school/park site off of Snowden Farm Parkway in the Phase I section of the project, will be graded, surfaced with topsoil, fine graded and seeded as appropriate for ball field cover. Recreation and parking facilities will be constructed thereon by Applicant in accordance with the Planning Board approved site plan Compliance Program. All athletic fields and practice field areas shall include adequate topsoil and seeding or sodding per park ballfield standards and specifications. Athletic fields, the parking lot, and picnic shelters shall be graded and constructed to park standards and specifications. The entire school/park site to be conveyed to M-NCPPC at time of record plat for the development area that includes the school/park site. If the school is constructed, M-NCPPC to convey the needed portion of the site to the County/Board of Education for such use. If the school is not constructed, the entire school/park site will be owned and managed by M-NCPPC for use as parkland.

- 13) Revise condition #24 of the January 23, 2007 Planning Board Opinion as follows:

Provide a minimum of 600 TDRs pursuant to the objectives of the Clarksburg Master Plan, unless the Planning Board approves a lesser number as part of site plan.

- 14) Replace existing condition #25 of the January 23, 2007 Planning Board Opinion as follows:

Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.

- 15) Replace existing condition #26 of the January 23, 2007 Planning Board Opinion as follows:

Final number of MPDUs/TDRs as per condition #25 to be determined at the time of site plan.

- 16) Revise condition #29 of the January 23, 2007 Planning Board Opinion as follows:

The Preliminary Plan will remain valid until July 30, 2015 and shall be phased for recordation of lots as follows:

Phase One:	300 lots by July 30, 2004
Phase Two:	1,000 lots by July 30, 2009
Phase Three:	1,700 lots by July 30, 2012
Phase Four:	All lots by July 30, 2015

Prior to the expiration of the validity periods, a final record plat for all the property delineated in each phase must be recorded or a request for an extension must be filed.

17) The following conditions shall be added:

30) The Applicant shall record new record plats to revise the rights-of-way for the following roads to meet MCDPWT Standard No. mc-210.03 (reduced width tertiary) as required by the site plan Compliance Program:

ξ Bent Arrow Drive (from station 10+52 to 5+90 (approximate))

ξ British Manor Drive (from station 1+03 to 0+00 (approximate))

ξ Granite Rock Road (from station 10+15 to 15+07 (approximate))

ξ Robin Song Drive (from station 5+90 to 8+11 (approximate))

Applicant shall also record new record plats to modify the square footage of the residential lots abutting these rights-of-way, where necessary, and to show necessary public improvement easements (PIEs).

31) The boundary of the preliminary plan shall be expanded to include Outlot C, Block F and Outlot D, Block E in the adjacent Greenridge Acres Subdivision, which were placed in reservation for the construction of A-305 (Midcounty Highway). The Applicant shall file a record plat that dedicates a portion of this land for the right-of-way of A-305.

32) Applicant shall submit an amendment to the approved Phase I Site Plan that reflects the revised layouts of blocks F, G, H, K, L, P, T, and V, as shown on the amended preliminary plan and discussed in the site plan Compliance Program. Final design of these areas shall be determined by the amended site plan.

33) The boundary of the preliminary plan shall be modified to reflect land swaps between Clarksburg Village and the adjacent Greenway Village Subdivision, as shown on the preliminary plan.

34) Applicant shall comply with the conditions of the MCDPWT approval letter, dated December 21, 2006, unless otherwise amended by MCDPWT.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan continues to substantially conforms to the master plan.*

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

No additional trips beyond those associated with the previous approval of the preliminary plan are being generated as a result of this amendment. The Board finds that the previously required transportation improvements provide sufficient transportation capacity and meet the Adequate Public Facilities test.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*
4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The revised forest conservation plan shows 2.14 acres less forest saved and planted than on the April 12, 2005 approved plan. The Planning Board finds that this increase in forest loss must be compensated for as part of the approval of the final forest conservation plan. Some of the forest reduction results from the new stormwater management facility in the environmental buffer, extension of stormwater management discharge outfalls, moving a sanitary sewer from outside the environmental buffer to inside the buffer, and the change of a Category I easement area into a Category II easement. The new stormwater management facility will treat runoff from Stringtown Road, which was not previously accounted for in either the Clarksburg Village or Clarksburg Town Center water quality plans. The Planning Board supports the addition of this facility and accepts the proposed encroachment into forested environmental buffer area because it is the only location available to provide the necessary stormwater management for the roadway. The Board also finds that encroachments from stormwater management facility outfalls are unavoidable and accepts them based on the finding that the disturbance has been minimized.

The Planning Board concurs with staff and finds that the proposed sewer line near lots 106 through 128 of Block U is not an acceptable encroachment into forested stream buffer area. The Board finds that limits of disturbance in this section of the development must remain consistent with the previously approved plan that shows the sewer line and LOD outside of the environmental buffer. Final determination regarding the sewer alignment must be made as part of the site plan.

5. *The Application meets all applicable stormwater management and water quality plan 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") and the Planning Board that the*

*Stormwater Management Concept and Water Quality Plan meet MCDPS's standards.*

The Planning Board responsibility for water quality plans is to determine if the environmental guidelines for special protection areas, forest conservation requirements, and site imperviousness requirements are satisfied. There is no specific impervious limitation in the Clarksburg Special Protection Area, but impervious surfaces estimated as part of previous approval have been approximately 23 percent. This plan amendment will add impervious surfaces, but the Board finds that the overall site imperviousness remains consistent with other similarly developed properties within Montgomery County.

6. *The Planning Board finds that practical difficulties exist which prevent full compliance with the Section 50-26(e)(3) requirement for minimum 25 foot corner lot truncations at roadway intersections.*

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 that prevent full compliance with the requirements. The Board finds that the proposed truncations of less than 25 feet are necessary to permit houses to be located closer to the road right-of-way and facilitate the community's neo-traditional design. Based upon the determination of staff and other applicable agencies, the Board finds that the intersection sight distance and safety will not be reduced by the design. Therefore, the Planning Board grants the waiver of Section 50-26(e)(3), pursuant to Section 50-38(a) and finds 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.

7. *The Planning Board finds that practical difficulties exist which prevent the development from complying with Section 50-29(a)(2) requirements for lot frontage on 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 that prevent full compliance with the requirements. The Board finds that waivers of lot frontage are needed in certain instances based on the practical difficulties associated with implementing neo-traditional design principles within Clarksburg Village if lot frontage is always required. Such a design 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, and green areas dispersed throughout. The Planning Board finds that the proposed neo-traditional

neighborhood design best implements the intent of the Clarksburg Master Plan, particularly with regard to integrating green spaces throughout the development. The waiver facilitates the replacement of certain roads with green spaces that significantly reduce the amount of paving in the development, increases the areas available for treatment of stormwater runoff, and create visible open areas and gathering spaces for the community. The Planning Board finds based on applicable agency approvals that all houses will be adequately served and accessed by proposed private driveways. Therefore, the Planning Board grants the waiver of Section 50-29(a)(2), pursuant to Section 50-38(a) and finds 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.

Section 59-C-1.628(b) of the Zoning Ordinance permits townhouses to front on public streets, private streets or **a common open space**, when MPDU optional method standards are used. The Planning Board finds that since the proposed development applies these standards, townhouse lots that front on open spaces are acceptable. The Planning Board further finds that where these lots front on private streets, the street will provide access and circulation that will allow them to acquire the status of a public road. Townhouses fronting on green space are accessed by private driveways that will not have the status of a public road. However, the Board finds that fire and rescue access is provided and parking will be available on nearby public roads.

8. *The Planning Board finds that use of reduced-width tertiary streets is acceptable because they will improve compatibility with adjoining properties.*

The standard right-of-way width of a tertiary street is 50 feet. However, Section 50-26(h)(2) states that the Planning Board, as part of a site plan approval, may approve a lesser width. In this instance, the use of certain reduced-width tertiary roads is proposed as part of the site plan Compliance Program to bring setbacks, and in one case size, of several existing one-family detached residential lots into conformance with the minimum standard of the zone. The Board finds, subject to final site plan review, that the reduced-width tertiary streets will improve compatibility with adjoining properties by bringing non-compliant lots into conformance with the zone.

~~BE IT~~ **JUL 18 2007** FURTHER RESOLVED, that the date of this Resolution is \_\_\_\_\_ (which is the date that this Resolution 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



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

MCPB No. 07-31  
Site Plan No. 82003002B  
Clarksburg Village Phase I  
Hearing Date: March 22, 2007

**SEP 13 2007**  
**RESOLUTION**

WHEREAS, pursuant to Montgomery County 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 Montgomery County Code § 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, on May 5, 2005, Elm Street Development ("Applicant"), filed an application for Approval of Site Plan Amendment 82003002B for certain modifications to the site plan including those required by the Plan of Compliance approved on July 27, 2006; and

WHEREAS the property is located in the southwest quadrant of the intersection with Stringtown Road and Piedmont Road, in the R-200 Zone and R-200/TDR-3 Zone ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan amendment application was designated Site Plan Amendment No. 82003002B, Clarksburg Village Phase I (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on March 22, 2007, Staff presented the Application to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, prior to the Hearing, on March 9, 2007, Staff had issued a memorandum to the Board setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application and approved the Application subject to conditions on the motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 5-0, Commissioners Hanson, Bryant, Perdue, Robinson, and Wellington voting in favor.

APPROVED AS TO LEGAL SUFFICIENCY

*[Signature]*

M-NCPPC LEGAL DEPARTMENT

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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 Amendment No. 82003002B for certain modifications to the site plan including those required by the Plan of Compliance approved on July 27, 2006, as shown on the Clarksburg Village-Phase I plans stamped by the M-NCPPC on February 27, 2007, and as set forth in the following list:

- 1) remove 48 multi-family units in the southern portion of the site to accommodate the R-200 zoning line;
- 2) adjust the location of the trails in the environmentally sensitive areas to minimize impacts and to provide boardwalk to match the actual wetland limits;
- 3) revise the design and pool footprint of the pool area and associated clubhouse, relocate the shade pavilions and remove diving boards;
- 4) revise the street tree species and spacing along Snowden Farm Parkway (A-305);
- 5) revise the street grades consistent with the MCDPS street grades;
- 6) revise the elements associated with the stormwater management facilities due to final engineering and revisions by MCDPS—the elements that necessitated the change to the approved stormwater management plans include: maintenance access locations, relocation of benches, relocation of pathways, site grading, retaining walls, and the relocation of swm easements that affected the forest conservation easements;
- 7) clarification of development standards in the data table and on the plans;
- 8) raise the grades of the ball fields at the school/park site;
- 9) revise the forest conservation easement;
- 10) revise the elevations of some of the units due to final architecture, site drainage and revised street grades;
- 11) clarify the connection detail for the one-family attached units;
- 12) correct the right-of-way for Foreman Boulevard from 70 feet to 80 feet to match the approved Clarksburg Master Plan;
- 13) propose an equivalent play equipment consistent with the M-NCPPC Recreation Guidelines;
- 14) resite the two-over-two units further back from the sidewalk;
- 15) provide mailbox cluster locations on the site plan amendment;
- 16) provide entrance monument signs on the site plan;
- 17) provide the R-200 zoning line on the site plan;
- 18) comply with Fire and Rescue comments with regard to pavement width, access, radii and turning movements;
- 19) adjust the lot lines for lot 29L and 30L to comply with minimum lot standards;
- 20) provide the stormwater management facility for the Stringtown Road widening;
- 21) provide the street light locations for the private streets;

- 22) increase the number of TDRs required in Phase I from 144 to 145 (total number of TDRs required for overall development remains the same) and reduce the number of MPDUs required from 400 to 398 based upon the total number of units;
- 23) revise the lot lines and setbacks for lots 29-36, block G and lots 6-8, block H, from the public streets and reclassify the units as one-family detached units, in the R-200 Zone with the MPDU option and R-200/TDR-3 Zone on approximately 333 acres;
- 24) Revise the bike path within Parcel B and F connecting Snowden Farm Parkway;
- 25) Revise the sidewalk terminus and benches in the open spaces;
- 26) provide the WSSC easements on the plans;
- 27) revise the grading on the Park/School site;
- 28) provide the two shelters near the Greenway Trail;
- 29) change the townhouses and one-family detached units in Block P; and

BE IT FURTHER RESOLVED that the Planning Board's approval of Site Plan Amendment No. 82003002B is subject to the following conditions:

1. Preliminary Plan Conformance  
The proposed development shall comply with the conditions of approval for Preliminary Plan (12001030C) as approved by the Planning Board on February 1, 2007.
2. Plan of Compliance  
The proposed development shall comply with the recommendations of the Plan of Compliance as listed in the Staff Report dated September 26, 2006.
3. Site Design
  - a. Provide a minimum 20-foot-wide separation between townhouse sticks and two-over-two units.
  - b. Revise the detail of the useable space attributable to the one-family attached units. The detail must provide a minimum of 15 feet of useable space from building face to front yard and rear yard; front and back for the two-over-two units to comply with the definition and criteria for one-family attached units.
  - c. Provide a minimum of 8 feet between end townhouse units.
  - d. Cluster mailboxes shall be located in a central area so as not to interfere with pedestrian circulation and shall not disrupt the design of the community spaces in which they are located. The mailbox clusters in the privately maintained areas of the site shall include special paving leading from the street to the mailbox. The mailbox clusters in the public right-of-way shall include special paving, upon approval by the Department of Public Works and Transportation and/or Department of Permitting Services.

4. Landscaping

Provide additional ornamental planting around the seating areas by the linear walk in Block T/V.

5. Streetscape

Provide street trees at a minimum spacing of 40 feet on center and a maximum spacing of 50 feet on center, except where physical site improvements do not allow for the spacing. Any deviation from the minimum standards need to be approved in writing by DPS, DPWT and M-NCPPC, if the spacing exceeds the minimum standards due to physical site improvements.

6. Lighting

- a. Provide a revised lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
- b. All on-site light fixtures located within the HOA common areas, exclusive of the public street rights-of-way, shall be cut-off fixtures or equipped with shields, refractors or reflectors.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
- e. The height of the on-site light fixtures and poles shall not exceed 15 feet including the mounting base.

7. Recreation Facilities

- a. The Applicant shall provide the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b. The Applicant shall provide the following recreation facilities: (31) picnic/sitting areas, (1) indoor community space and (31) picnic/sitting areas, (4) tot lots, (3) multi-age play facilities, (3) open play areas (type II), (2) regulation soccer fields, natural areas and trails as well as two swimming pools and a wading pool within the clubhouse area.

8. Park Development

The applicant shall comply with the original conditions of approval dated July 26, 2001, except as modified by the following conditions of approval from M-NCPPC-Park Planning and Stewardship, Department of Parks, in the memorandum dated March 20, 2007:

- a. Dedicate to M-NCPPC the property within the delineated Clarksburg Greenway and as indicated on the Site Plan along Little Seneca Creek and Little Seneca Tributary. Land to be conveyed at time of record plat for the lots adjacent to the dedicated property. Dedicated parkland to be conveyed free of trash and unnatural debris. Boundaries between parkland and private properties to be clearly staked and signed.

- b. Applicant to establish an Easement that grants to M-NCPPC the right to maintain the Greenway Trail, and grants to M-NCPPC and the general public the right to use the Greenway Trail, in those areas where the trail crosses HOA stormwater management parcels. Easement language to be acceptable to M-NCPPC park staff.
- c. Applicant to construct an 8-foot wide asphalt hiker/biker trail, with 10-foot wide cleared width boardwalks and bridges, within the Clarksburg Greenway from Stringtown Road to Newcut Road/Little Seneca Parkway. Trail alignment for the portion of the Greenway Trail near the confluence of Little Seneca Creek and the Town Center Tributary to be determined at the time of permitting for the construction of Little Seneca Parkway/A-302. Greenway Trail should be shown on all plans with two alternative routes in this stream confluence area. The preferred route would continue through the Bradley Property and would be constructed by Applicant if M-NCPPC can secure, at a reasonable cost, the acquisition of land or easement from the property owner. The alternative route would circumvent the Bradley property on land already owned by Applicant and be constructed if the acquisition of the land or easement cannot be reasonably accomplished by the time permits are needed for construction of Little Seneca Parkway. Greenway Trail and community access trails to include necessary bridges and boardwalk and be constructed to park standards and specifications. Prior to construction, Applicant to obtain a park permit. Trails to be constructed or clearly marked prior to beginning construction on homes adjacent to the Greenway parkland.
- d. Construct Foreman Boulevard to allow for a grade separated crossing for the hiker/biker Greenway Trail. Construct trail crossing to accommodate the trail under the road without changing the natural location, configuration or composition of the stream channel, and locate trail to minimize flooding of the trail and minimize surface water runoff from the paved trail directly into the stream. Trail crossing to meet the following guidelines unless otherwise agreed to by M-NCPPC staff and Applicant. Trail/road crossing details to be submitted to M-NCPPC park staff for approval.
  - 1. Minimum clearance of 10 feet to accommodate rescue and maintenance vehicles.
  - 2. Tread or path width of 10 feet in constricted area under the road; 12 inch to 24 inch cleared area on either side of path.
  - 3. Use construction practices that best help convey water from the trail.
  - 4. Minimize length of tunnel and maximize light in the tunnel.
  - 5. Provide lighting where the trail length under the road exceeds 50 feet and follow guidelines in the latest AASHTO "Guide for the Development of Bicycle Facilities".
  - 6. Minimize riprap requirement to stabilize stream banks outside the tunnel.

7. Use materials that deter graffiti and facilitate easy maintenance and cleaning.
- e. The school/park site off of Snowden Farm Parkway in the Phase I section of the project will be graded, surfaced with topsoil, fine graded and seeded as appropriate for ball field cover. The following recreation and parking facilities will be constructed thereon by Applicant in accordance with the Planning Board approved Compliance Program. Park facilities to be located on the proposed Park/School site:
  1. Two rectangular athletic fields with dimensions of 180 feet by 300 feet plus a 20-foot-wide flat sideline area along all sides of the fields.
  2. A paved parking area for 57 cars to be located off Blue Sky Drive as shown on the approved site plan.
  3. One picnic shelter constructed on a concrete slab and including picnic tables, to be located on Blue Sky Drive adjacent to the athletic fields and parking lot.
  4. Adequate stormwater management for the facilities.
  5. The remaining site where the school and its facilities are to be located to be fine graded and seeded to adequately accommodate various athletic practice fields.
  6. Paved trails between facilities, landscaping, water fountain and adequate park signage.
- f. All athletic fields and practice field areas shall include adequate topsoil and seeding or sodding per park ball field standards and specifications. Athletic fields, the parking lot, and picnic shelters shall be graded and constructed to park standards and specifications.
- g. The entire school/park site to be conveyed to M-NCPPC at time of record plat for the area that includes the school/park site. If the school is constructed, M-NCPPC to convey the needed portion of the site to the County/Board of Education for such use. If the school is not constructed, the entire school/park site will be owned and managed by M-NCPPC for use as parkland.
- h. Applicant to obtain a Park Permit for construction of any amenities on dedicated parkland. Minor modifications to the agreed construction of amenities made pursuant to the Park Permit process or as agreed by the parties may be made without the need to revise or amend the approved Site Plan.
- i. Applicant to comply, at time of Park Permit, with the provisions set forth in Memorandum from Marian Elsasser of Park Development Division dated March 14, 2007.
- j. Applicant to comply, at time of Signature Set, with the provisions set forth in Memorandum from Linda Komes of Park Development Division dated March 20, 2007.

9. Transferable Density Rights (TDR's)  
Prior to issuance of any building permit for Blocks T and V, the applicant shall provide verification of the availability of the required 145 TDRs for Phase I.
10. Moderately Priced Dwelling Units (MPDUs)
  - a. The Applicant shall provide 398 Moderately Priced Dwelling Units (15% of the total number of units [2,653] for Phases I and II of Clarksburg Village). Phase I shall include 132 Moderately Priced Dwelling Units (13.57% of the total number of units [973] for Phase I), consistent with Chapter 25A.
  - b. The amended MPDU agreement shall be executed prior to the release of any building permits for Blocks T and V.
  - c. All of the required MPDUs shall be provided on-site.
11. Fire and Rescue  
The Applicant shall comply with the conditions of approval from the Fire Marshall dated December 4, 2006.
12. Transportation  
The applicant shall comply with the original conditions of approval dated July 26, 2001, except as modified by the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated June 8, 2006:
  - a. The Applicant shall verify that the roadway improvements listed as conditions of approval are under construction in accordance with the phasing of road improvements for Clarksburg/DiMaio development as described in the letter dated August 5, 2002 and confirmed in Transportation Planning's letter dated August 22, 2002.
13. Forest Conservation  
The applicant shall comply with the condition of approval from M-NCPPC-Environmental Planning in the memorandum dated March 9, 2007:
  - a. Comply with the conditions of approval of the final forest conservation plan submitted on March 2, 2007.
14. Stormwater Management  
The proposed development is subject to Stormwater Management Concept approval conditions dated June 24, 2005, unless amended by DPS.
15. Development Program  
Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:
  - a. All site features associated with each building as defined by the site plan dated February 27, 2007 shall be installed as outlined below for each phase of the project.
  - b. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
  - c. Local Recreational Facilities

1. The recreation facilities in Blocks O, P and U, including the two tot lots, multi-age play area, and four sitting areas shall be completed prior to the release of 155<sup>th</sup> building permit for these blocks. (This number represents 70 percent of 221 units located in these three blocks).
  2. The recreation facilities in Block U (Brickley), including a tot lot and sitting area shall be completed prior to the release of 50<sup>th</sup> building permit for these blocks. (This number represents 70 percent of 71 units located in this block).
  3. The recreation facilities in Blocks T, V and S, including the multi-age play area, open play area and four sitting areas shall be completed prior to the release of 141<sup>st</sup> building permit for these blocks. (This number represents 70 percent of 201 units located in these three blocks).
  - d. Community-Wide Recreational Facilities
    1. All Community-Wide Recreational Facilities shall be completed prior to the issuance of the 682<sup>nd</sup> building permit. Community-wide facilities in Blocks O, P and U, including the 16' x 16' picnic shelter and sitting area, pool, pool house and community center, shall be completed prior the issuance of the 155<sup>th</sup> building permit for these blocks. (This number represents 70 percent of 221 units located in these three blocks).
    2. Community-wide facilities in Blocks N, Q and R, including the 22' x 22' picnic shelter and tables, nature area and ball fields, shall be completed prior to the issuance of the 59<sup>th</sup> building permit for these blocks (this number represents 70 percent of 84 units located in these three blocks).
    3. Community-wide facilities in Blocks T, V and S, including the 16' x 16' picnic shelter and sitting area shall be completed prior to the release of 141<sup>st</sup> building permit for these blocks. (This number represents 70 percent of 201 units located in these three blocks).
  - e. The stamped concrete path, on-site landscaping and lighting in Block T and V shall be completed prior to the issuance of the 141<sup>st</sup> building permit for these blocks. (This number represents 70 percent of 201 units located in these three blocks).
  - f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
  - g. Phasing of dedications, stormwater management, sediment/erosion control, streetscape, local recreational features, community-wide facilities and paths, trip mitigation or other features.
  - h. Provide each section of the development with necessary roads.
16. Clearing and Grading  
No additional clearing or grading can be performed in Blocks T and V prior to M-NCPPC approval of the final forest conservation plans. A pre-construction

meeting with M-NCPPC and DPS inspection staff shall occur after approval of the final forest conservation plans and prior to clearing and grading of Blocks T and V to verify limits of disturbance.

17. Certified Site Plan

Prior to approval of the certified site plan the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion and revised project data table and development standards.
- b. Revised TDR and MPDU calculations.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading of Blocks T and V.
- f. Revise the two-over-two MPDU Yard Planting Options Detail to include the title "Useable Space for One-family Attached Units" and add dimensions for the front and rear yards.
- g. Revise the Overall Park and Recreational Facilities chart.
- h. Revised parking tabulations.

BE IT FURTHER RESOLVED, that all site development elements shown on the Clarksburg Village Phase I plans stamped by the M-NCPPC on February 27, 2007, 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 Application is based on the following findings:

- I. *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 Section 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 modifies any element of the project plan;*

An approved development plan or a project plan is not required for the subject development. However, the Plan of Compliance for Clarksburg Village proposed the following modifications to the approved site plan in order to permit the respondent to take corrective action to comply with the approved plans and the Zoning Ordinance requirements:

**1. Corrective Action**

The respondent shall provide the following site plan modifications through Site Plan Amendment 82003002B to meet the Zoning Ordinance requirements and to be in conformance with the approved Preliminary Plan 12001030C:

- a. *Revise the Site Development Data Table under General Notes to reflect the numbers and types of the proposed dwelling units based on the amended site plan.*

The Site Plan Amendment (82002003B) includes a comprehensive data table with development standards for each use in the respective zones.

- b. *Eliminate the proposed 48 multiple-family units in four buildings in Block T.*

The 48 multi-family units (4 buildings) have been eliminated from the Block T and Phase I.

- c. *Convert all one-family attached/semi-detached units in Blocks G, H, K and L to one-family detached units with a lot area of no less than 6,000 square feet, except for Lots 21 and 22 of Block G and Lots 11 and 12 of Block K, which will be built as attached units with attached garages.*

The Applicant has changed the semi-detached units in Blocks G, H, K and L to detached units and has satisfied the minimum lot size and setbacks for the respective lots through modifications to the road rights-of-way and elimination of three units.

- d. *Provide a minimum building setback of 25 feet from street for all the one-family detached units in the R-200 zone, except for corner lots, in accordance with Section C-1.623 of the Zoning Ordinance.*

The minimum 25-foot setback has been provided for all of the one-family detached lots in the R-200 Zone. Additionally, the Applicant has specified each split-zoned lot and which zoning category applies based upon the acreage of the lot within each zone.

- e. *Modify the right-of-way from 50 feet (Department of Public Works and Transportation Design Standards mc-210.02) to 27 feet and 4 inches (mc-210.03) on Granite Rock Road (from approximate station 10+15 to 15+07), British Manor Drive (from approximate station 1+03 to*

0+00), Bent Arrow Drive (from approximate station 10+52 to 5+90), and Robin Song Drive (from approximate station 5+90 to 8+11). This right-of-way modification resolves the 25-foot minimum building set back issue on eight existing homes (Lots 12, 13, 23, and 26 of Block G, Lot 10 of Block H, Lots 10 and 13 of Block K, and Lot 10 of Block L), and the 6,000-square-foot minimum lot size issue for one existing home on Lot 12 of Block G.

Preliminary Plan 12001030C was approved by the Planning Board to reduce the rights-of-way for the 8 affected lots to resolve the setback issue and increasing the lot size for lot 12, block G. The record plats for the affected lots will need to be re-recorded with the correct information after approval of the subject "B" site plan amendment.

- f. *Increase the right-of-way for Foreman Boulevard from 70 to 80 feet.*

The Applicant has increased the right-of-way for Foreman Boulevard from 70 to 80 feet, affecting 4 lots in Block P and future HOA land in Block T. Record plats will need to reflect the modification to the road right-of-way.

**2. Provision of Complete Development Standards for the R-200/TDR 3 zone portion.**

*The development standards as shown on page 19 shall be established through Site Plan Amendment 82003002B for the proposed development. These standards may be modified in accordance with the Planning Board's review of Site Plan Amendment 82003002B.*

The Site Plan Amendment (82002003B) includes a comprehensive data table with development standards for each use in the respective zones.

**3. Design Improvements**

The respondent shall modify the design of Blocks P, U, and T as shown on Attachment B to provide the following design features:

- a. *Integration of various dwelling types.*

The Applicant has revised the site plan to accommodate a broader unit mix in Blocks P, U and T (new blocks T and U) by removing the multi-family units and revising the plan to allow for more detached, attached, townhouse and two-over-two unit types. The unit mix of singles and towns is presently integrated well throughout the built portion of Phase I and should be continued in Block T, Vand into Phase II. The original intent appeared to incorporate the multi-family

units closer to the retail segment; however, the revisions to Block T incorporates a broader mix of units than any of the blocks in Phase I.

- b. *Reduction of the density in Block T by approximately 40 dwelling units.*

The old T block (new T and V block) lost 41 total units. The previous Clarksburg Village Signature Set called for 219 units in block T. The 219 units were a mix of condos and town homes. The Plan of Compliance required the redesign of block T. With the redesign, the Applicant lengthened Turtle Rock Terrace, a public street. Lengthening Turtle Rock Terrace split the T block into two separate blocks, T and V. After the redesign, the combined unit total for the T and V blocks is 178 units. Additionally, the Applicant relocated the two-over-two units to front onto Foreman Boulevard and Turtle Rock Terrace, placing the surface parking for the non-garage units to the rear of the site. The overall reduction in density for Phase I is 24 units.

- c. *A north-south pedestrian spine through Block T to facilitate pedestrian movement between Block T and the proposed Greenway Trail.*

A north-south connection is provided linking Snowden Farm Parkway and the Greenway Trail through the center of the block. Special paving, pedestrian lighting, seating areas and specialty landscaping for this pedestrian connection is provided to identify the importance of the spine. The shelter is a marker on the southern end of the spine identifying the entrance to the Greenway Trail.

- d. *A major east-west open space spine in the southern portion of Block T to provide visual and physical connections between Block T and surrounding greenway open space.*

In addition to the north-south connection, the plan proposes an east-west internal green strip providing for a central linear green area. The location of the green area also allows for units to face onto mews, eliminates head-in parking in some areas of the ring road and re-orientates some of the units along the road. The re-orientation of the units provides additional green space in the southern area of the block.

- e. *A trail connection, if permitted by the Department of Permitting Services, through the proposed stormwater management facilities in*

*the southwestern portion of Block T to provide an additional pedestrian link between Block T and the proposed Greenway Trail.*

After discussion with Staff and DPS, only a wood-chip path with timber edging would be permitted through the stormwater management facility. The hard surface portion of the path connection terminates at the edge of the stormwater management easement where the wood-chip path starts. DPS will not allow a hard surface path on a dam structure, primarily due to potential conflicts with integrity of the structure and maintenance requirements of the facility.

- f. Replacement of the double-loaded, 90-degree parking arrangement along the internal street in Block T with single-loaded or parallel parking spaces to mitigate the visual impact of parking spaces on the overall design of the community.*

The proposed site plan amendment was revised to replace the double-row of head-in parking along the ring road with some parallel and single-loaded spaces. The revision has a positive effect on the visual impact of the units, reduces the imperviousness and assists with the re-orientation of some of the units to provide for additional green space.

- g. All of the design changes shall be incorporated into Site Plan Amendment 82003002B and approved by the Planning Board prior to issuance of any building permit.*

A development program has been incorporated into the conditions of approval, identifying triggers for site amenities to be completed prior to issuance of specific building permits.

#### **4. Additional Amenities**

The respondent shall provide the following amenities, in addition to those required by the previously approved site plan, for the proposed development:

- a. Park facilities to be located on the proposed Park/School site:
  - 1. *Two rectangular athletic fields with dimensions of 180 feet by 300 feet plus a 20-foot-wide flat sideline area along all sides of the fields.*

Two rectangular athletic fields with dimensions of 180 feet by 300 feet plus a 20-foot-wide flat sideline area along all sides of the fields to accommodate safe play.

2. *A paved parking area for 57 cars to be located off Blue Sky Drive as shown on the approved site plan.*

A paved parking area for 57 cars is shown with access directly off of Blue Sky Drive. The parking area is all head-in spaces with curb stops where the spaces abut sidewalks that connect to the school and shelter. The parking includes interior shade trees and perimeter planting from the roadway.

3. *One picnic shelter constructed on a concrete slab and including picnic tables, to be located on Blue Sky Drive adjacent to the athletic fields and parking lot.*

One 22' x 22' picnic shelter on a concrete slab with four picnic tables is located directly north of the parking area and includes a sidewalk to Blue Sky Drive and the parking area. The picnic shelter is located adjacent to the athletic fields.

4. *Adequate stormwater management for the facilities.*

The Applicant is providing for adequate quantity and quality stormwater management.

5. *The remaining site where the school and its facilities are to be located to be fine graded and seeded to adequately accommodate various athletic practice fields.*

The Park/School site and associated facilities will be fine graded and seeded to adequately accommodate various athletic practice fields.

6. *Paved trails between facilities, landscaping, water fountain and adequate park signage.*

An 8-foot-wide sidewalk is provided between the park facilities and adequate park signage is located throughout the development.

- b. *All athletic fields and practice field areas shall include adequate topsoil and seeding or sodding per park ballfield standards and specifications. Athletic fields, the parking lot, and picnic shelters shall be graded and constructed to park standards and specifications. The*

*design of these facilities shall be incorporated into Site Plan Amendment 82003002B.*

The specifications for seeding, sodding and adequate topsoil have been incorporated into the conditions of approval for the Applicant to meet the minimum requirements for Park standards. The design of these facilities shall be incorporated into Site Plan Amendment 82003002B.

- c. *The park facilities to be provided on the Park/School site shall be completed and accepted by M-NCPPC within 9 months after approval of plats and plans for Stringtown Road improvements or the issuance of the building permit for the 600<sup>th</sup> dwelling units for the proposed development, whichever comes first.*

A condition to this effect has been incorporated into the conditions of approval.

- d. Additional landscaping:
1. *Increase the size of all unplanted street trees from 2 ½ - 3" to 3 - 3 ½" caliper.*

Additional 3-3.5" caliper street trees have been incorporated in the site plan amendment.

2. *Add 300 trees in reforestation area, which are 2 - 2 ½" caliper in size.*

300 additional 2-2.5" caliper trees have been added in forest conservation areas along the Greenway Trail and abutting the community.

3. *Increase landscaping around the proposed pool facility by 25 percent.*

Additional landscaping has been provided around the clubhouse and pool facility in excess of 25 percent.

- e. *Two picnic shelters near the proposed Greenway trail.*

As part of the Plan of Compliance, Staff recommended three additional shelters; two of which are located adjacent to the Greenway Trail, while the third is located in the Park/School site. The addition of the shelters provides for community gathering areas

and sitting areas for users of the Greenway within the broader community. The first shelter is located closest to Block U, near Robin Song Court and the second shelter is located at the southern terminus in Block T. The shelters are 16 x 16 feet in size and include 2 seating areas within the shelter. A detail is provided on the Landscape Plans.

- f. A \$50,000 contribution to the Clarksburg Village Homeowners Association prior to October 31, 2006, to be used at the discretion of homeowners, not the developer.*

A \$50,000 contribution was issued by the Applicant to the Clarksburg Village Homeowners Association on October 10, 2006.

**5. Fines**

*The respondent shall make payment of \$100,000 to M-NCPPC prior to October 31, 2006.*

The respondent made a \$100,000 payment to M-NCPPC on October 10, 2006.

**6. Process of Record Plats**

*The Planning Board staff may process the following record plat applications for lots which are not affected by any corrections due to site plan non-compliance prior to the approval of Site Plan Amendment 82003002B by the Planning Board: 2-06120, 2-06126, 2-06128, 2-05007, 2-05008, 2-05025, 2-05026, 2-05029, 2-06127, 2-06118, 2-06119, and 2-06156.*

Most of the record plats for the above-noted applications were processed by Staff and approved by the Planning Board on February 1, 2006.

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

The approved site plan (820030020) and the amendment to the site plan (82003002A) did not meet all of the requirements of the R-200/TDR-3 Zone and the R-200 Zone, utilizing the MPDU option, with respect to development standards for each zoning category. Many of the development standards were not established in a data table during the site plan process. The amendment to the site plan fully addresses and provides the necessary development standards for all of the uses in the zone.

The Site Data Table on pages 18-22 of this resolution indicates the development standards within each zone and the standards approved during each phase of the site plan process, specifically for this amendment.

Section 59-C-1.394 (b) of the Montgomery County Zoning Ordinance provides:

*For TDR densities of 3 or more per acre, the lot sizes and other development standards will be determined at the time of preliminary plan and site plan for conformance with applicable master plan guidelines and in accordance with the purposes and provisions of the PD Zone, except as may be specified in Section 59-C-1.395.*

The "compatibility" requirement (Section 59-C-7.15) provides that all uses must be compatible with the other uses proposed for the planned development and with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development:

Section 59-C-1.394 (b) of the Montgomery County Zoning Ordinance provides:

*In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone.*

- (1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and*
- (2) No building can be constructed to a height greater than its distance from such adjoining land.*

Consistent with the provisions for TDR densities of 3 or more, the proposed site plan provides a comprehensive data table that includes all of the development standards for all of the uses in the zone. Consistent with the provisions recommended in the PD Zone; no building, other than a one-family detached building can be located closer than 100 feet of an adjoining land. All buildings must be constructed within the height limitations from the adjoining land as specified above. No building other than a one-family detached building is located closer than 100 feet from the property line.

The following is the Site Data Table setting forth the development standards approved by the Planning Board and binding on the Applicant in connection with this project.

**Site Data Table**

<b>R-200 Zone (MPDU Option)</b>				
<b>Zoning Ordinance Development Standards</b>	<b>Permitted/Required</b>	<b>Approved with Site Plan 820030020</b>	<b>Approved with Site Plan 82003002A</b>	<b>Approved by the Planning Board and Binding on the Applicant for Site Plan 82003002B</b>
<b>Div.59-C.1.6</b>				
<b>Max. Building Height (ft.):</b>				
Main building	40 (3 stories)	Not Specified	Not Specified	40
Accessory bldg.	25 (2 stories)			25
<b>Min. Lot Area (sf.):</b>				
One-family detached	6,000 <sup>1</sup>	Not Specified	Not Specified	6,000
One-family attached (fee simple)	3,500	Not Specified	Not Specified	3,500
One-family attached (condo-MPDUs)	Not Specified	Not Specified	Not Specified	10,000
Townhouse	1,500	Not Specified	Not Specified	1,500
<b>Min. Lot width at Street Line for One-family detached (ft.):</b>	Not Specified	Not Specified	Not Specified	25
<b>Setbacks (Building Height and Setback Sheet Provided in Certified Site Plan for Individual Lots)</b>				
<b>Min. Setbacks from public street and/or front yard BRL as applicable (ft.):</b>	25 <sup>2</sup>	25	25	25
<b>Min. Yard (ft.):</b>				
One-family detached				
Front along street	25	25	25	25
Front along mews	Not Specified	As shown on Plan	As shown on plan	10 from HOA Easement
Front 2 (labeled On individual lot)	15	15	15	15
One-family attached (fee simple market rate units):				
Front along street	Not Specified	15	15	15
Front along mew	Not Specified	As shown on Plan	As shown on Plan	10 from HOA Easement
Front 2 (labeled On individual lot)	Not Specified	8	8	8 from curb

One family attached (MPDUs):	Not Specified	8	8	8 from curb
Townhouses:	Not Specified	Not Specified	Not Specified	3
Rear Yard (ft.): 3				
One-family Detached (Non Alley loaded)	20	20	20	20
One-family Detached (Alley Loaded)	Not Specified	0	0	3
One-family Attached (Market Rate Units)	Not Specified	0	0	3
One-family Attached (MPDUs)	Not Specified	Not Specified	Not Specified	0
Townhouse	Not Specified	Not Specified	Not Specified	3
Side Yard (ft.): 4				
One-family Detached (Non Alley loaded)	Not Specified	4	4	4
One-family Detached (Alley Loaded)	Not Specified	3	3	3
One-family Attached (Market Rate Units)	Not Specified	0	0	0/3
One-family Attached (MPDUs)	Not Specified	Not Specified	Not Specified	0
Townhouse	Not Specified	Not Specified	Not Specified	2 (only applies to end units, otherwise 0)
Min. Separation Between end of Group Towns)	Not Specified	Not Specified	Not Specified	8
Accessory Building Setback (ft.):	Not Specified	Not Specified	Not Specified	3
Max. Lot Coverage (%):	Not Specified	Not Specified	Not Specified	80
Min. Green Area (ac.):	9.14 (2,000 sf for each townhouse or attached unit)	Not Specified	Not Specified	54.00
The following Split-Zoned lots will be developed using R-200/MPDU Standards: 1, 9, 15, 16, 40, 46, 47 & 48 (Block G); 10 (Block I); 6, 7, 8, 44, 50, 51, 76 & 77 (Block V)				
The following lots are One-family Attached (Market Rate Units):				

30 & 31 (Block K); 40 & 41 (Block G)

- 1 3,000 s.f. for a MPDU.
- 2 15 feet for a MPDU.
- 3 Building restriction lines (BRL) are established for each lot/parcel and shown on the plan for every lot/parcel.
- 4 For a side or rear yard that abuts a lot that is not developed under the provisions of this section 59-C-1.6, the setback must be at least equal to that required for the abutting lot, provided that no rear yard is less than 20 feet.

<b>R-200 / TDR-3 Zone</b>				
<b>Zoning Ordinance Development Standards</b>	<b>Permitted/Required</b>	<b>Approved with Site Plan 820030020</b>	<b>Approved with Site Plan 82003002A</b>	<b>Approved by the Planning Board and Binding on the Applicant for Site Plan 82003002B</b>
<b>Div. 59-C-1.395</b>				
<b>Min. Lot Area (sf.):</b>				
One-family Detached	Not Specified	Not Specified	Not Specified	3,500
One-family Attached (Fee Simple)	Not Specified	Not Specified	Not Specified	3,500
One-family Attached (condo)	Not Specified	Not Specified	Not Specified	10,000
Townhouse	Not Specified	Not Specified	Not Specified	1,400
<b>Min. Lot width at Street Line for One-family detached (ft.):</b>	Not Specified	Not Specified	Not Specified	25
<b>Setbacks (Building Height and Setback Sheet Provided in Certified Site Plan for Individual Lots)</b>				
<b>Min. Yard(ft.):</b>				
<b>One-family detached Front:</b>				
Front along Street	Not Specified	15	15	15
Front along Mews	Not Specified	As shown on Plan	As shown on Plan	10 from HOA Easement
Front 2 (where labeled on lot)	Not Specified	8	8	8 from curb
One-family attached (MPDUs)	Not Specified	Not Specified	Not Specified	8 from curb
Townhouses	Not Specified	0	0	3
<b>Rear Yard</b>				
One-family Detached (Front Garage)	20	20	20	20
One-family	Not Specified	3	3	3

Detached (Rear Garage)				
One-family Attached (MPDUs)	Not Specified	Not Specified	Not Specified	0
Townhouses	Not Specified	0	0	3
Side Yard				
One-family Detached (Front Garage) <sup>1</sup>	Not Specified	4	4	4
One-family Detached (Front Garage) <sup>2</sup>	Not Specified	3	3	3
One-family Detached (Rear Garage)	Not Specified	3	3	3
One-family Attached (MPDUs)	Not Specified	Not Specified	Not Specified	0
Townhouses	Not Specified	0	0	2
Accessory Building Setback (ft.):	Not Specified	Not Specified	Not Specified	0
Max. Building Height (ft.): <sup>3</sup>				
One-family detached	Not Specified	Not Specified	Not Specified	40
One-family attached (2 over 2)	Not Specified	Not Specified	Not Specified	40
Townhouse	Not Specified	Not Specified	Not Specified	40
Multi-family	Not Specified	Not Specified	Not Specified	40
Accessory Buildings	25	Not Specified	Not Specified	25
Min. Lot width at Front Building Line for One-family detached (ft.):	Not Specified	Not Specified	Not Specified	25
Max. Lot Coverage (%):	Not Specified	Not Specified	Not Specified	80
Green Area (ac.):	45 ac. (35%)	Not Specified	Not Specified	129 ac. (50%)

<sup>1</sup> Excludes blocks A, B, D, F, 58-96 Block U, and 5-12 Block P

<sup>2</sup> Blocks A, B, D, F, 58-96 Block U, and 5-12 Block P

<sup>3</sup> See building height exhibit in Site Plan

**The following split zoned lots will be developed using R-200/TDR3 Standards**

49, 50, 51, 52 (Block F); 2, 3, 7 & 8 (Block G); 48, 49 & 50 (Block R); 32 (Block L); 12, 13 & 14 (Block T); 5, 45, 46, 47 & 52 (Block V)

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

a. Buildings and Structures

The location of the buildings and structures within the Phase I portion of the Clarksburg Village development are adequate, safe and efficient.

The design of the overall neighborhood for Phase I have not changed significantly from the originally approved plans with respect to building types and orientation. The primary change in design has been the removal of the approved multi-family buildings, originally located in the R-200 Zone. The balance of the units allocated toward the multi-family unit type has been transferred internally to the Phase II portion of the development.

The overall concept for the development consists of a range of housing types, located to create individual neighborhoods with common unifying elements within a dense environment, such as a sense of connection to the open space and green areas, tree preservation areas, building orientation, and architectural treatments. The common areas also provide pedestrian connections into adjacent open spaces. Units along Snowden Farm Parkway have been carefully sited to prevent direct views to the rear yards of units. The views are diverted through design layout, plant material and noise wall location.

The orientation of units directly to the entry streets within the subdivision helps to shape the entry and the corresponding streetscape defines the pedestrian environment as well.

The pool and clubhouse facility is centrally located in Phase I and adjacent to the school and ball fields. Permits were issued for the clubhouse/3 shelters in September of 2006 and the pool in January of 2007.

The Master Plan emphasizes 45-55 percent single-family detached, 35-45 percent single-family attached, and 10-20 percent multi-family dwelling units. The proposal provides for a mix of units that satisfies the range of residential unit types proposed in the Master Plan. The proposed unit mix for Phase I is 53% one-family detached, 45% one-family attached, which

includes townhouses, two-over-two units, and 2% multi-family. Since the multi-family units were removed from the T and V blocks, and reducing the percentage allocated by the Master Plan, the remaining multi-family units will need to be planned for Phase II and should be integrated near the retail segment.

Retaining walls on lots that are visible from roads have been minimized where possible and planting has been incorporated at the base to reduce the visual impacts from the road.

The MPDUs have been placed in various areas of the site, so as not to concentrate the type of unit in one location. The one-family lots include a building envelope with setbacks allowing for individual unit types to be placed on each lot once selected by a purchaser.

To increase the lot size and building setback for those non-compliant lots to meet the Zoning Ordinance requirements of one-family detached units in the R-200/MPDU zone, the Applicant proposes to eliminate four dwelling units and use their lot areas to make up the differences. In addition, to solve the lot size and setback problems associated with certain built and occupied homes, the revised plan proposes to reduce the rights-of-way of certain portions of four public streets to gain additional lot areas and building setbacks for those homes. Four of the non-compliant lots, which were going to be attached with a trellis, will be built with attached garages.

b. Open Spaces

The site provides open spaces that are integral with the developed areas as mentioned above. The Greenway Trail will provide a major feature for the subdivision and anchor for outdoor activities. As part of this amendment, the Applicant, in coordination with M-NCPPC Parks Development, has realigned and relocated portions of the Greenway Trail to lessen impacts to environmentally sensitive areas. Additional boardwalk areas along the Greenway Trail have been constructed based upon updated wetland information.

The original stormwater management concept consisted of (1) on-site water quality and recharge control via grass swales, dry swales, a modified dry swale, drywells and a surface sand filter. Channel protection volume was not required because the one-year post development peak discharge was less than or equal to 2.0 cfs.

Clarksburg Village is located within a Special Protection Area, warranting special regulations for sediment control and runoff. The Final Water Quality approval was granted during the initial site plan process. The site is almost completely graded and has approval from the Montgomery County Department of Permitting Services for the construction of the sediment traps and stormwater management facilities. DPS requested changes to the facilities during the final design process, requiring site elements associated with the facilities to be relocated or eliminated, as well as modifications to the limits of disturbance. The revisions to the design of the facilities have necessitated the relocation of maintenance access locations, the locations of benches, and modifications to pathways and retaining walls.

Additional clearing of forest within an adjacent conservation easement is also included with the modifications to the facilities.

Numerous open play areas associated with the recreation facilities are included in the overall development and provide varying level of open space for different users.

The redesign of Block "T" incorporates a number of new elements envisioned to open up green spaces, create pedestrian links from major roadways to the Greenway and merge recreational facilities within the smaller community. The multi-family units were removed and replaced with a mix of one-family detached, attached and townhouses.

c. Landscaping and Lighting

The landscaping concept adequately provides for an attractive, environmentally sound and functional project by providing shade, screens and buffers. The Clarksburg Village Plan also provides for the preservation of existing trees and incorporates them into developed areas, creating environmental benefits for shade erosion control. The street trees define the streets, provide a buffer between the units and the street, and provide for a pedestrian experience. The foundation plantings and accent plant materials create an attractive separation between the units and the paved surfaces. The buffers will screen views to the street and views of the units providing separation and privacy.

The Applicant is also including the species selected and the spacing of the street trees within the right-of-way for A-305 (Snowden Farm Parkway), as part of the amendment to the site plan. The spacing for the street trees will remain consistent with the original approval at 40-50 feet on center, unless certain physical site constraints affect the location of trees.

The lighting plan includes streetlights that are regulated by the Montgomery County Department of Public Works & Transportation ("DPWT"). The styles of the light fixtures proposed are consistent with the light fixtures allowed by DPWT within the Clarksburg Town Center Planning Area. Alleys and private streets will be lit by garage-mounted fixtures with cut-off features to prevent light pollution and upright pole-mounted fixtures.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table below. The proposed recreational amenities and facilities provided did not change with the amendment from the approved site plans. Some of the play equipment was substituted during the construction process to an approved equal based on availability, manufacturer and specific style. The design of the pool and associated clubhouse was revised due to final architectural drawings, including the relocation of shade pavilions and the removal of the diving boards.

The recreation amenities provide for a variety of outdoor exercise and play opportunities by providing numerous play areas within close proximity to housing. The existing Greenway Trail, constructed by the Applicant, provides for local and regional recreational opportunities. As noted in the findings for Open Space, portions of the trail have been relocated due to environmental settings and the boardwalk was changed due to current wetland boundaries. In addition to the revisions to the local recreational facilities, the grading for the ball fields on the school/park site have been raised in accordance with the elevations from the Street Grade Plan, in order to provide better playing conditions.

The recreation facilities have been sited to become part of each neighborhood by their central location and sitting areas. Their attractive designs will make the play areas a desirable part of the community and open space systems.

Recreation demand is in conformance with the minimum requirements of the M-NCPPC Recreation Guidelines as demonstrated with the site plan amendment application. The tabulations were revised to correctly reflect the number and category of units. The total demand points were reduced due to the loss of units while the supply points remained the same. The Applicant is taking credit for off-site facilities (Ovid Hazen Wells Recreational Park, Big Pines Local Park and Clarksburg Neighborhood

Park) even though the proposal exceeds the demand points set forth by the Guidelines in terms of facilities provided.

Recreation facilities include 31 picnic/sitting areas, 4 tot lots, 3 multi-age play facilities, 3 open play areas (type II) , 2 regulation soccer fields, natural areas and trails as well as a swimming and wading pool within the clubhouse area.

### RECREATION CALCULATIONS

#### **Demand Points Per Population Category**

<b>Housing Type</b>	<b>No. of Dwelling Units</b>	<b>Tots (D1)</b>	<b>Children (D2)</b>	<b>Teens (D3)</b>	<b>Adults (D4)</b>	<b>Seniors (D5)</b>
SFDIII Single Family Detached	519	72.7	124.6	129.8	659.1	67.5
TH Townhouses and Single Family Attached	430	73.1	94.6	77.4	554.7	38.7
Garden Multi-family 4 stories or less	24	2.6	3.4	2.9	28.3	3.8
<b>Total Demand Required</b>	<b>973</b>	<b>148.40</b>	<b>222.50</b>	<b>210.00</b>	<b>1,242.20</b>	<b>110.00</b>

#### **Supply Points of On-Site Recreation Facilities**

<b>Facility</b>	<b>Quantity</b>	<b>Tots (D1)</b>	<b>Children (D2)</b>	<b>Teens (D3)</b>	<b>Adults (D4)</b>	<b>Seniors (D5)</b>
Bike System	N/A	7.4	22.3	31.5	186.3	11.0
Pedestrian System	N/A	14.8	44.5	42.0	559.0	49.5
Nature Trails	N/A	7.4	22.3	31.5	186.3	16.5
Nature Areas	N/A	0.00	11.1	21.0	124.2	5.5
Swimming Pool	1	8.2	45.6	43.1	310.5	16.5
Wading Pool	1	22.3	11.1	0.0	62.1	5.5
<b>Subtotal</b>		<b>60.10</b>	<b>156.90</b>	<b>169.10</b>	<b>1,428.50</b>	<b>104.50</b>

Tot Lots (Ages 0-6)	4	36.0	8.0	0.0	16.0	4.0
Multi-Age Play Areas	3	27.0	33.0	9.0	21.0	3.0
Picnic/Sitting Areas	31	31.0	31.0	46.5	155.0	62.0
Open Play Area II	2	6.0	8.0	8.0	20.0	2.0
Soccer-Regulation	2	4.0	30.0	40.0	80.0	4.0
Subtotal		104.0	110.0	103.5	292.0	75.0
<b>Total Provided On-Site</b>		<b>164.10</b>	<b>266.90</b>	<b>272.60</b>	<b>1,720.50</b>	<b>179.50</b>
<b>Supply Points of Off-Site Recreation Facilities</b>						

Facility	Quantity	Tots (D1)	Children (D2)	Teens (D3)	Adults (D4)	Seniors (D5)
<b>Max. Off-Site Credit Allowed (35%)</b>		<b>51.9</b>	<b>77.9</b>	<b>73.5</b>	<b>434.8</b>	<b>38.5</b>
<b>Ovid Hazen Wells Recreational Park</b>						
Tot Lots (Ages 0-6)	1	9.0	2.0	0.0	4.0	1.0
Multi-Age Play Areas	1	9.0	11.0	3.0	7.0	1.0
Picnic/Sitting Areas	9	9.0	9.0	13.5	45.0	18.0
Basketball Court	1	3.0	10.0	15.0	10.0	2.5
Adult Softball Field	1	2.0	15.0	20.0	40.0	2.0
Adult Baseball Field	1	2.0	15.0	20.0	40.0	2.0
<b>Big Pines Local Park</b>						
Multi-Age Playground	1	9.0	11.0	3.0	7.0	1.0
Picnic Shelter	3	1.0	3.0	4.5	15.0	6.0
Tennis Court	2	0.0	3.0	21.0	48.0	2.0
Basketball Court	1	3.0	10.0	15.0	10.0	2.5
<b>Clarksburg Neighborhood Park</b>						
Multi-Age Playground	1	9.0	11.0	3.0	7.0	1.0
Picnic Shelter	1	1.0	1.0	1.5	5.0	2.0
Tennis Court	1	0.0	1.5	10.5	24.0	1.0
Basketball Court	1	3.0	10.0	15.0	10.0	2.5
<b>Subtotal</b>		<b>62.00</b>	<b>112.5</b>	<b>145.0</b>	<b>272.0</b>	<b>44.50</b>
<b>Total Provided Off-Site @ 35%</b>		<b>21.70</b>	<b>39.40</b>	<b>50.80</b>	<b>95.20</b>	<b>15.60</b>

<b>Total Provided</b>		<b>185.80</b>	<b>306.30</b>	<b>323.30</b>	<b>1,815.70</b>	<b>195.10</b>
<b>% Required</b>		<b>125.20</b>	<b>137.63</b>	<b>153.94</b>	<b>146.17</b>	<b>177.33</b>

**Overall Park and Recreation Facilities**

<b>Description</b>	<b>Facility</b>	<b>Park Area Acreage</b>	<b>Public or Private HOA</b>
<b>Park 1</b>	Multi-age Play area (4,561 sf; 2 benches), Picnic/Sitting Areas (2 benches; 2 Picnic Tables) Open Play Area II (5,000 sf)	0.43	Private HOA
<b>Park 2</b>	Tot Lot (1,732 sf; 2 benches)	0.04	Private HOA
<b>Park 3</b>	Open Play Area II (5,000 sf) Picnic/Sitting Area (2 benches)	0.70	Private HOA
<b>Park 4</b>	Tot Lot (5,445 sf)	0.125	Private HOA
<b>Park 5</b>	Tot Lot (1,812 sf; 2 benches) Pool house/Swimming Pool (Block P, Pcl A)	2.11	Private HOA
<b>Park 6</b>	Multi-age Play area (3,905 sf)	0.27	Private HOA
<b>Park 7</b>	Park Site @ School (2 Sports Fields; 22' x 22' picnic shelter, 4 picnic tables; 3 bike racks, 1 water fountain)	13.05	Public
<b>Park 8</b>	Multi-age Play area (2,802 sf; 2 benches)	0.11	Private HOA
<b>Park 9</b>	Natural Area (Block U/Parcel E; Block U/Parcel I)	62.10	Public
<b>Park 10</b>	Natural Area (Area within Phase I) Block V	26.39	Public
<b>Park 11</b>	Natural Area Block R/Parcel A, Block R/Parcel B, Block R/Parcel C, Block R/Parcel D, Block R/Parcel I)	13.45	Public
<b>Park 12</b>	Natural Area (Area within Phase I) Block B/Parcel B, Block R/Parcel F)	19.70	Private HOA
<b>Park 13</b>	Type II Open Play Area (5,000 sf)	0.53	Private HOA
<b>Park 14</b>	Tot Lot (1,600 sf; 2 benches)	0.06	Private HOA
<b>Picnic/Sitting Areas</b>			
	Block D (2 benches and 1 gazebo)		
	Block E (4 benches)		
	Block F (4 benches)		
	Block G (6 benches)		

	Block H (4 benches)		
	Block J (2 benches)		
	Block M (8 benches)		
	Block P (12 benches)		
	Block U (3 benches and 16' x 16' picnic shelter), Block T, 2 benches		
	Block V (7 benches and 16' x 16' picnic shelter)		

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

The street connections to the site are in accordance with the approved Preliminary Plan and subsequent site plans. The layout provides an interconnected grid throughout the development; however, the street grades for the public roads were revised by DPWT to accommodate site conditions. The network of public and private streets link the individual neighborhoods, along with a roundabout that helps regulate traffic flow at Granite Rock Road and Grand Elm Street, the primary intersection from the entrance off of Stringtown Road.

Several waivers were proposed by the Applicant, and approved by the Planning Board, to provide more flexibility for a neo-traditional designed project. The waivers for modifications to the right-of-way widths allowed for a tighter development envelope, allowing for more preservation of natural areas, common areas and treatment of storm water management facilities. These waivers have been shown on earlier approvals at Preliminary Plan and are specified and detailed with this approval.

As part of the modification to the roadways, one outlot is being dedicated to an individual homeowner (block G, lot 15) while the remaining outlots are being dedicated to the Clarksburg Village HOA to comply with lot size and setbacks. The outlots will be formalized through the record plat process in conjunction with the approval of the subject site plan.

The right-of-way for Foreman Boulevard is being corrected to provide for the ultimate 80-foot right-of-way, which was not shown on the originally approved site plans. The 10-foot increase in right-of-way width reduces the lot frontage for four units on the north side of Foreman Boulevard and decreases the HOA property on the south side of Foreman Boulevard in Block T.

The proposed site plan amendment was revised to replace the double-row of head-in parking along the Horseshoe Bend Court with some parallel and single-loaded spaces. The revision has a positive effect on the visual impact of the units, reduces the imperviousness and assists with the re-orientation of some of the units to provide for additional green space.

The pedestrian paths along the roadways and internally within the development, as well as the 8-foot-wide bike paths within the A-305 right-of-way, provide a superior pedestrian environment with access to all parts of the site. The pedestrian circulation allows for local and regional connections to off site development, parks and open spaces. The relocation of the Greenway Trail does not alter the ultimate connections envisioned with the Master Plan or overall Clarksburg Village development. Some of the more prominent connections to the Greenway Trail are from Grand Elm Street, via Robin Song Court, Blue Sky Drive and Horseshoe Bend Court.

The redesigned Block T and V provide for pedestrian circulation around the ring road (Horseshoe Bend Court) that links to Snowden Farm Parkway, Foreman Boulevard and the Greenway Trail, as well as an internal pedestrian circulation for a prominent north-south connection through the block. The north-south location

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

The various structures, including the residential buildings, clubhouse and retaining walls are compatible with existing and proposed adjacent development. The residential land uses as proposed within the project will be compatible with internal land uses.

The height and massing of the buildings is consistent with the neighboring communities of the Clarksburg Town Center and the Greenway Village community for the various land uses and unit types. The establishment and clarity of the development standards through the Plan of Compliance illustrates a compatible relationship with the standards expressed within the surrounding communities.

The potential noise levels generated by traffic are planned to be mitigated through the use of buffers such as berms and noise walls/fences. Buffer planting further accents the berms and fences specifically along the major thoroughfares.

The activity associated with the proposed residential will not cause any negative effect on adjacent residential uses.

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 Applicant is proposing an optional method of development for this site. The preliminary forest conservation plan was approved prior to the effective date of the forest conservation law as amended by Bill 35-00. Therefore, the development is not required to meet the requirements of Section 22A-12(f) of the Montgomery County code, which requires developments utilizing an optional method to meet the appropriate forest conservation threshold on-site.

The Montgomery County Planning Board approved site plan 820030020 on July 31, 2003 and site plan 82003002A on December 23, 2004. Environmental Planning staff approved the final forest conservation plan for site plan 820030020 on September 9, 2003 and April 12, 2005 for site plan 8200300A. Since approval of the April 12, 2005 final forest conservation plan, the applicant needed to make changes. The changes increase the amount of forest removed and decrease the amount of forest to be planted. The net result is a reduction of 1.97 acres (0.84 acres of existing forest and 1.13 acres of planted forest) of forest from the approved final forest conservation plan.

The Forest Conservation Regulation requires Planning Board action for certain types of modifications to an approved FCP. Section 113.A. (2) of the Forest Conservation Regulation states:

*Major amendments, which entail more than a total of 5000 square feet of additional forest clearing, must be approved by the Planning Board or Planning Directory (depending on who approved the original plan). Notice of each major plan amendment must be given to adjacent property owners as part of the Planning Board or Planning Directory approval processes.*

This amendment proposes the removal of 36, 590 square feet (0.84-acres) and therefore constitutes a major amendment requiring Planning Board approval.

Many of the proposed changes to the final forest conservation plan are a result of final review and approvals of stormwater management facilities by the Department of Permitting Services, final review and approvals of roadway elevations by Department of Public Works and Transportation and the Department of Permitting Services, and final review and approval of sewer alignments by the Washington Sanitary and Sewer Commission.

The Applicant proposes to satisfy all of the proposed changes within the Phase 2 portion of the Clarksburg Village property. Reduction in tree save areas, or

additional forest loss, will be compensated at a rate of 2:1 and areas of proposed reforestation will be compensated at a rate of 1:1. All requirements will be met onsite.

The Planning Board approved the subject amendment to the final forest conservation plan. As part of the approval, pond "T" has been reconfigured to keep the stormwater management facility outside of the environmental buffer as originally approved and as conditionally approved in preliminary plan 120010300. Complete reforestation clearing created by locating the sewer line in the environmental buffer along forest save 32 is required. The Board further approved the stormwater management facility located in the environmental buffer that treats stormwater from Stringtown Road subject to amending the preliminary plan of subdivision to add this facility to the list of facilities permitted in the environmental buffers.

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

**SEP 13 2007** BE IT FURTHER RESOLVED, that the date of this written opinion is (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 of Court – State).

\* \* \* \* \*

At its regular meeting, held on Thursday, September 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Hanson, Bryant, and Robinson voting in favor, and Commissioners Cryor and Lynch abstaining, 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. 82003002B - Clarksburg Village Phase.

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