



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

MCPB
Item #
1/3/08

2

MEMORANDUM

DATE: December 20, 2007

TO: Montgomery County Planning Board

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

FROM: Stephen Smith
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for January 3, 2008

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

220061150 **George W. Acorn's addition to Colesville**
220071150 **Westleigh**
220080010 **Taylor Subdivision**
220080290 – 220080310 **Greenway Village**

PLAT NO. 220061150

George W. Acorn's addition to Colesville

Located in the southeast quadrant of the intersection of Vital Way and Randolph Road
C-1 zone; 1 lot

Community Water, Community Sewer

Master Plan Area: White Oak

Randolph-N.H. Retail Center, LLC, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120020560, and Site Plan No. 82005008A, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plans.

RECORD PLAT REVIEW SHEET

Plan Name: Burdoff Property Plan Number: 120020560
 Plat Name: George W. Aarn's Add. to Cadesville Plat Number: 22006150
 Plat Submission Date: 11/29/05
 DRD Plat Reviewer: Taslim Alam
 DRD Prelim Plan Reviewer: R. Weaver

Initial DRD Review:

Signed Preliminary Plan - Date 4/10/03 Checked: Initial TA Date 12/13/05
 Planning Board Opinion - Date 4/17/03 Checked: Initial TA Date 12/13/05
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: TA (initial)
 Site Plan Name: Burdoff Property Site Plan Number: 8-05008 82005008A
 Planning Board Opinion - Date 6/06/05 Checked: Initial TA Date 12/13/05
 Site Plan Signature Set - Date 9-21-07 Checked: Initial SJS Date 10-15-07
 Site Plan Reviewer Plat Approval: Checked: Initial RAV Date 12.19.07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>C. Bunning</u>	<u>12/6/05</u>	<u>12/23/05</u>	<u>12/19/05</u>	<u>Exempt Rouse Not</u>
Research	<u>Bobby Fleury</u>			<u>12/9/05</u>	<u>OK</u>
SHA	<u>Doug Mills</u>				
PEPCO	<u>Jose Washington</u>				
Parks	<u>Doug Powell</u>				
DRD	<u>Steve Smith</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>12-16-07</u>	<u>See Plat MARKUP</u>

Final DRD Review:

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

Initial

Date

SJS

12-19-07

TS

10-15-07

SJS

12/13/07

Board Approval of Plat:

Plat Agenda:

SJS

1-3-08

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

No. _____



VICINITY MAP
SCALE: 1" = 2,000'

C	CHD. BEG.	CHD. END	R.A.D.	ARC	CHD. L.
C1	N07°11'38"E	30.92	20.0	30.34	10°14'20"
C2	N70°13'58"E	62.67	88.83	62.99	1°01'52"

PLAT NO.



RANDOLPH ROAD

PART OF LOT 1 PLAT 81

22
23447 S.F.

PART OF LOT 2 PLAT 81

VITAL WAY
ANALOGOUS TO STATE ROAD
COMMENCED BY PLAT 81 AND PLAT 82
AND BY MONTGOMERY COUNTY RECORD
BOOK 31 PAGE 12710

SURVEYOR'S CERTIFICATION
I hereby certify that the plat shown herein is correct, that it is a subdivision of land in the County of Montgomery, State of Maryland, and that the same is in accordance with the provisions of Section 5-24(b) of the Montgomery County Code. This plat was recorded on this day of 2003 in the Office of the Clerk of the Circuit Court for the County of Montgomery, Maryland, at the City of Gaithersburg, Maryland, and is subject to the provisions of the Montgomery County Code, which are hereby incorporated by reference into this plat.

Thomas A. Maddox
Thomas A. Maddox
Registered Professional Land Surveyor
NO. 10000

SUBDIVISION RECORD PLAT
LOT 22
GEORGE W. ACOHN'S ADDITION TO
COLESVILLE
A RESUBDIVISION OF PARTS OF
LOTS 1, 2, AND LOT 20
ELECTION DISTRICT 8
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 80' JANUARY 2004

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
1888 REEDY GROVE COURT
GAITHERSBURG, MARYLAND 20877
(301) 984-8804



NOTES
1. PROPERTY ZONED AS AT DATE OF RECORDATION. ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE ZONING ORDINANCES OF MONTGOMERY COUNTY, MARYLAND.
2. ALL UTILITIES ARE TO BE SERVED BY PUBLIC UTILITY AND NOT BY PRIVATE UTILITY.
3. THE LOTS SHOWN ON THIS PLAT ARE SUBJECT TO THE LATER AND LATER REVISIONS OF THE PLAT AND TO THE LATER AND LATER REVISIONS OF THE PLAT AND TO THE LATER AND LATER REVISIONS OF THE PLAT.
4. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY PLANNING AND ZONING COMMISSION (MPC) AND TO THE LATER AND LATER REVISIONS OF THE MPC.
5. ALL TERMS, CONDITIONS, AGREEMENTS, COVENANTS, AND RESTRICTIONS ARE TO BE CONSIDERED AS PART OF THIS PLAT AND AS SUCH, THEY ARE TO BE ENFORCED BY THE COURT OF MONTGOMERY COUNTY, MARYLAND.
6. THIS PLAT IS NOT TO BE USED FOR ANY OTHER PURPOSE THAN THAT FOR WHICH IT WAS PREPARED AND FOR WHICH IT WAS APPROVED BY THE COURT OF MONTGOMERY COUNTY, MARYLAND.
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THE MARYLAND-NATIONAL CAPITAL PLANNING AND ZONING COMMISSION MONTGOMERY COUNTY PLANNING BOARD		MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES		PLAT RECORDS	
APPROVED	DATE	APPROVED	DATE	APPROVED	DATE
CHAIRMAN AMY - DISTRICT - TREASURER		DIRECTOR		PLAT 81 & P.C. RECORD FILE NO.	

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Date Mailed: April 7, 2003

Action: Approved Staff Recommendation

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

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02056

NAME OF PLAN: BURDOFT PROPERTY

On 11/15/01, THOMAS J. REUGG submitted an application for the approval of a preliminary plan of subdivision of property in the C-1 zone. The application proposed to create 1 lot on 24,049 acres of land. The application was designated Preliminary Plan 1-02056. On 02/13/03, Preliminary Plan 1-02056 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02056 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02056.

Approval, Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to 10,192 square feet of commercial office/retail uses
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Fairland White Oak Master Plan unless otherwise designated on the preliminary plan
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated November 29, 2001
- 4) Access and improvements as required to be approved by MCDPWT prior to recordation of plat
- 5) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 6) Final approval of the location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan
- 7) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 8) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed

- 9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 10) Other necessary easements



DATE: 11/15/2011
BY: [Signature]

Revised & Resubmitted
11/15/2011



SITE PLAN BURDOFT PROPERTY Montgomery County, Maryland



- NOTES:**
1. EXISTING ZONING: CS
 2. AREA OF PROPERTY: 24,899.14 SF
 3. AREA DEDICATED TO PUBLIC USE: 200.00 SF
 4. SET (PAVING) AREA: 23,899.14 SF
 5. PROPOSED USE: RETAIL COMMERCIAL (OFFICE COMMERCIAL)
 6. HEIGHT OF STRUCTURE: 35'-0"
 7. FLOOR AREA (SFA) PROPOSED: 14,000 SF
 8. OFF-STREET PARKING SPACES SHOWN: 38 (SEE CHART)
 9. UNSEEN SPACES REQUIRED: 100 (SEE CHART)
 10. OPEN SPACE: 5,000 SF (SEE CHART)
 11. SETBACKS REQUIRED: 10'-0"
 12. SETBACKS REQUIRED: 10'-0"
 13. PROPERTY TO BE SERVED BY PUBLIC WATER & SEWER
 14. UTILITY SERVICE TO BE PROVIDED BY:
 15. FIRE DEPARTMENT: 100' (SEE CHART)
 16. RETAIL COMMERCIAL TAX MAP: JET 101, WOOD MAP 3177001
 17. TOTAL IMPROVEMENTS: 14,000 SF



VICINITY MAP
SCALE: 1" = 100'

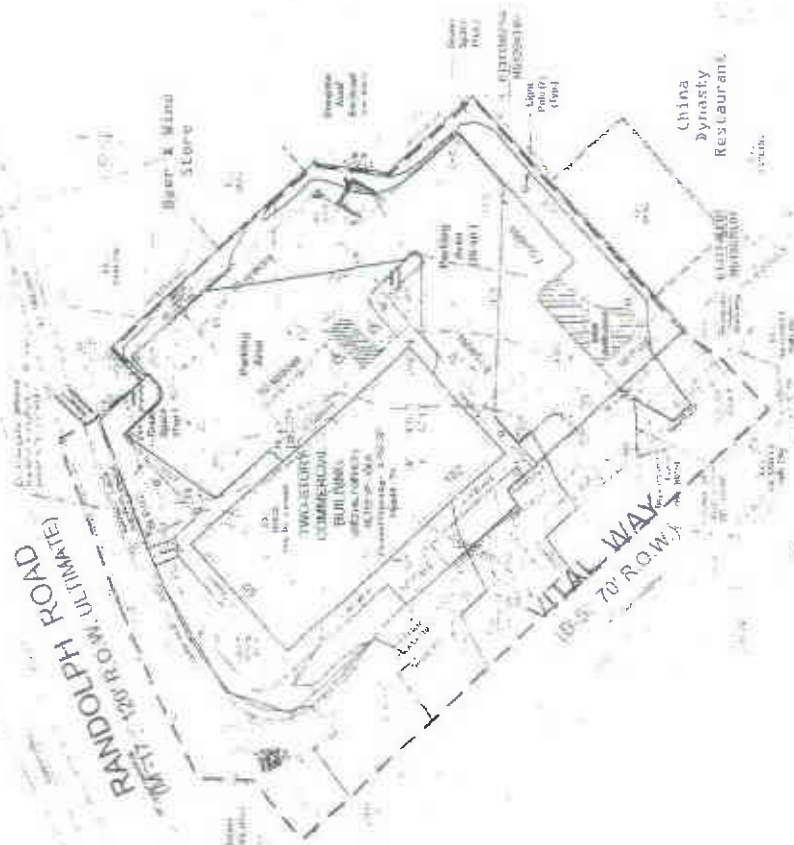
DEVELOPER'S CERTIFICATE

I, the undersigned, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

Signature: [Signature]
Name: [Name]
Title: [Title]

Submitted to: [Name]
Submitted by: [Name]
Date: [Date]

Coltsville Shopping Center



Strip Center





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

JUL 02 2007

MCPB No. 07-33
Site Plan No. 82005008A
Project Name: Burdoff Property
Hearing Date: April 26, 2007

RESOLUTION

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

WHEREAS, on December 1, 2006, Randolph New Hampshire Retail Center LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005008A ("Amendment") for approval of the following modifications:

- 1) Modify the paved section within the approved 70-foot-wide right-of-way for Vital Way, as approved by DPWT; and
- 2) Remove a sign previously approved on the site plan.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated April 13, 2007 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on April 26, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82005008A; and

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

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

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

JUL 02 2007

APPROVED AS TO LEGAL SUFFICIENCY

Pyo 4/16/07
M-NCPPC LEGAL DEPARTMENT



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.orgDate of Mailing: JUN 06 2005MONTGOMERY COUNTY PLANNING BOARD
OPINION

Site Plan No.: 8-05008
Project: Burdoff Property
Date of Hearing: April 21, 2005

Action: **APPROVAL SUBJECT TO CONDITIONS.** (*Motion to approve was made by Commissioner Bryant; duly seconded by Commissioner Wellington; with a vote of 4-0, Commissioners Berlage, Bryant, Wellington, and Robinson voting in favor. Commissioner Perdue necessarily absent.*)

The date of this written opinion is JUN 06 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal 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). This site plan shall remain valid as provided in Section 59-D-3.8.

INTRODUCTION

On April 21, 2005, Site Plan Review #8-05008 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

THE SUBJECT PROPERTY

The subject property is approximately 0.55 acres in size at the intersection of Randolph Road and Vital Way in Colesville. The site contains an existing two-story house, garage and shed, with a consistent grade elevation difference from north to south by approximately eight feet. Current access to the site is from Vital Way. The site is zoned C-1. A five-foot-wide sidewalk currently exists on Vital Way along the property frontage and an existing 6-foot-wide sidewalk exists on Randolph Road.

BACKGROUND

Preliminary Plan 1-02056 was approved on April 7, 2003 for subdivision of 1 lot on 24,049 square feet of land. The approval of the preliminary plan is limited to 10,192 square feet of commercial office/retail uses.

PROPOSED DEVELOPMENT

The applicant requests approval for a total 10,192 square feet of commercial office and retail, in the C-1 Zone, on approximately 0.55 acres of property. The site plan is consistent with the preliminary plan (#1-02056) for total proposed square footage.

The proposed site is a key element to the improvements for the Vital Way corridor and unified "Main Street" type of development as envisioned in the White Oak Master Plan. The building design is a two-story structure with current plans for the retail space, including the restaurant space on the first level and office space on the second floor.

Access to the proposed parking lot is from Vital Way at the southwestern corner of the site. The parking wraps around the southern and northern perimeters of the proposed building and provides a separation between the existing uses to the south and east.

Landscaping consists of shade trees within the parking lot and within the rights-of-way for Randolph Road and Vital Way. Evergreen screening is provided for the perimeter parking adjacent to public roads. An outdoor seating area is proposed. Lighting consists of pedestrian oriented fixtures within the parking lot and around the building with respect to height of the poles, wattage and location of fixtures.

Recreation is not required for commercial properties. The proposed development is proposing 21 percent green space on the perimeter of the parking area and within the parking islands, which exceeds the 10 percent required by the C-1 Zone. The stormwater management concept was approved on February 10, 2005.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval of the site plan, with conditions, in its memorandum dated April 15, 2005 ("Staff Report"). Staff's testimony at the public hearing was consistent with the Staff Report.

The applicant appeared at the hearing with his engineer and testified that he agrees with Staff's recommendation and proposed conditions of approval.

The Record contains a letter from Robert G. Yeck, speaking for the Greater Colesville Citizens Association. In his letter, Mr. Yeck stated that he supports the application but sought assurance from the Board that parking standards would be complied with and that signage would be appropriate for the community. He asked that the amount of square feet for each use within the development be specified in the conditions of approval. Additionally, he asked that his organization have a presence in the sign approval process. Mr. Yeck also appeared at the hearing and presented testimony consistent with his letter. At the hearing, Mr. Yeck stated his concern that an insufficient number of parking spaces had been provided and that he understood the applicant would have to waive a space. In its rebuttal testimony, the applicant testified that he did not agree to the parking condition proposed by Mr. Yeck and noted that the proposal complies with the parking standards set forth in the Zoning Ordinance. Staff confirmed that the proposed parking satisfies and, in fact, exceeds the minimum parking requirements; and, additionally, stated that there had been some discussion concerning a parking waiver early in the application process but that, as the review progressed, Staff determined that no such waiver would be required. Finally, Staff advised the Board that the applicant would need to file an amendment should any future use of the development require more parking spaces than are provided. Mr. Yeck indicated that he was comfortable with that assurance. On Staff's recommendation at the hearing, the applicant proffered that it would present the sign design to the Greater Colesville Citizens Association for its support as part of the approval.

FINDINGS

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

1. An approved development plan or a project plan is not required for the subject development.
2. The Site Plan meets all of the requirements of the C-1 Zone in which it is located.

The Project Data Table, included on page 7 of the Staff Report dated April 15, 2005, confirms that the proposed development complies with all applicable C-1 Zone development standards. The Board expressly finds that evidence of record, including Staff and applicant testimony, and the Project Data Table demonstrates that, with 34 proposed parking spaces, the application provides more than the minimum number of parking spaces required for the uses proposed. The Project Data Table notes that, although the total required base parking is 39, the applicant is entitled

to a credit under the Zoning Ordinance for combined uses in the same building, thereby decreasing the required number of uses to 29.

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. Building

The location of the building and parking facilities are safe, adequate and efficient.

The proposed building is located in an optimal area of the site to provide visibility at a major vehicular intersection and buffer the parking from Vital Way and residential uses on the opposite side of the Vital Way corridor. Additionally, the architecture of the proposed commercial building emphasizes a residential character as envisioned in the Master Plan for the revitalization of this area.

- b. Open Spaces

The applicant is exceeding the required 10 percent of green space for the C-1 Zone. The plan proposed 0.12 acres of green space, or 21 percent of the property, on the perimeter of the property and within the planting islands that separate the parking spaces. The green space as well as the proposed trees along Vital Way and Randolph Road will visually enhance the streetscape and provide a green buffer to the adjacent commercial properties.

The proposed stormwater management concept consists of on-site water quality control and on-site recharge via construction of an infiltration trench. Channel protection is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

- c. Landscaping and Lighting

The proposed landscaping on the site consists of foundation planting to accentuate the entrance to the building and evergreen hedges along the perimeter of the parking lot adjacent to both public roads. Shade trees and groundcover are proposed within the planting islands of the parking lot. The perimeter of the parking lot, adjacent to the existing uses, contains shade trees within the 10-foot planting strip.

The streetscape for Vital Way includes shade trees in tree pits along the frontage of the property. Shade trees behind the existing sidewalk are also proposed along the property frontage on Randolph Road.

The lighting plan consists of low-level Granville fixtures located along the perimeter of the proposed parking lot. The light fixtures will be mounted on 12-foot-tall poles and equipped with shields to avoid spillover to county roads and adjacent properties.

d. Recreation

Recreation facilities are not required for commercial properties.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian access is safe, adequate, and efficient.

The site plan proposes one vehicular access point to the site at the southwestern property line from Vital Way. The access point is a safe distance from the intersection of Randolph Road and provides full turning movements in and out of the subject site onto Vital Way.

The site plan proposes improved pedestrian access on Vital Way in accordance with the recommendations of the Master Plan for a more unified "Main Street" type of development that activates the street. The proposed shade trees will be located in 5' x 10' tree pits with a 5-foot-wide clear area for pedestrian circulation. The proposed 10-foot-wide walkway on Vital Way will connect with an existing 6-foot-wide sidewalk on Randolph Road. Six-foot-wide internal sidewalks will also be provided to facilitate pedestrian circulation around the perimeter of the building and to the sidewalks on Vital Way and Randolph Road.

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

The proposed building, parking and commercial use is consistent with the adjacent uses and compatible with the surrounding commercial establishments.

The proposed development encourages revitalization of the adjacent properties and establishes a precedent for the "Main Street" type of development within the corridor. The architecture of the proposed building is more residential in nature to

respond to the surrounding community and promote pedestrian circulation on the improved streets. The location of the parking is physically separated from the street allowing the building to front closer to the road. The planned parking area becomes more compatible with the adjacent parking facilities and buildings on the adjacent commercial properties to the south and east of the site.

With respect to the proposed sign, the Board notes that the condition of approval requiring support for the sign design from the Greater Colesville Citizens Association and Sign Review Board review and approval, will ensure that any such structure is compatible.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The site is exempt from the forest conservation requirements since the site is less than one-half acre and less than 40,000 square feet of forest will be cleared.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan Review #8-05008 for 5,096 square feet of commercial office and 5,096 square feet of commercial retail, including restaurant use, on 0.55 gross acres in the C-1 Zone with the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 1-02056 as listed in the Planning Board opinion dated April 7, 2003.
2. Site Design
 - a. The dumpster enclosure shall be constructed of similar masonry material proposed for the building exterior.
3. Landscaping
 - a. Provide two 2.5-3" caliper shade trees behind the existing sidewalk on Randolph Road, subject to permitting by the Montgomery County Department of Permitting Services.
 - b. Provide 5' x 10' tree pits and 2.5-3" caliper shade trees within the Vital Way right-of-way.

4. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for commercial development.
- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors, reflectors or refractors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent commercial properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e. The height of the light poles shall not exceed 12 feet including the mounting base.

5. Pedestrian Circulation

- a. Provide a ten-foot-wide sidewalk along the property frontage on Vital Way.
- b. Provide 6-foot-wide sidewalk connections from the interior parking lot to Randolph Road and Vital Way.

6. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated February 10, 2005.

7. Development Program

Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The Development Program shall include a phasing schedule as follows:

- a. Street tree planting and the community-wide pedestrian pathway for Vital Way shall progress as street construction is completed, but no later than six months after completion of the commercial building.
- b. Landscaping associated with the parking lot and building shall be completed as construction of each facility is completed, but no later than six months after completion of the commercial building.
- c. Pedestrian pathways, including the 6-foot-wide led-walks to the existing sidewalk on Randolph Road and proposed pedestrian walkway on Vital Way, and outdoor seating area associated with the building shall be completed as construction of the building is completed.
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- e. Provide each section of the development with necessary roads.


- f. Phasing of dedications, parking, stormwater management, sediment/erosion control, community paths, trip mitigation or other features.
8. Clearing and Grading
No clearing or grading prior to M-NCPPC approval of signature set of plans.
9. Signature Set
Prior to signature set approval of site and landscape/lighting plans 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.
 - b. Limits of disturbance.
 - c. Note stating the M-NCPPC staff must inspect protection devices prior to clearing and grading.
 - d. Details of the material for the dumpster pad enclosure.
 - e. Details of the proposed sign at the northeast corner of the property. Present the sign to the Greater Colesville Citizens Association for its support; and, additionally, to the Sign Review Board for review and approval, as required by Article 59-F of the Montgomery County Zoning Ordinance.
 - f. All other items for site design, landscaping, lighting and pedestrian circulation in the conditions of approval above.

APPROVED AS TO LEGAL SUFFICIENCY
TAD
M-NCPPC LEGAL DEPARTMENT
DATE 5/27/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, **June 2, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Site Plan 8-05008, Burdoft Property**. Commissioner Perdue abstained.


Certification As To Vote of Adoption
E. Ann Daly, Technical Writer

PLAT NO. 220071150

Westleigh

Located on the west side of Dufief Mill Road, approximately 220 feet north of Flints Grove Lane

R-200 zone; 2 lots

Community Water, Community Sewer

Master Plan Area: Potomac

Stella Kwan, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 12006077A, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plan.

RECORD PLAT REVIEW SHEET

Plan Name: Kwan Property Plan Number: 120060770
 Plat Name: WESTLEIGH Plat Number: 220071150
 Plat Submission Date: 3-8-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: C. Garton / D. Kinney

Initial DRD Review:

Signed Preliminary Plan - Date 3-6-07 Checked: Initial DMK Date 4-11-07
 Planning Board Opinion - Date 2-13-07 Checked: Initial SD Date 4-11-07
 Site Plan Req'd for Development? Yes No X Verified By: SJS (initial)
 Site Plan Name: N/A Site Plan Number: N/A
 Planning Board Opinion - Date N/A Checked: Initial N/A Date N/A
 Site Plan Signature Set - Date N/A Checked: Initial N/A Date N/A
 Site Plan Reviewer Plat Approval: Checked: Initial N/A Date N/A

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>C. Garton</u>	<u>3-20-07</u>	<u>4-6-07</u>	<u>4-6-07</u>	<u>Exemption 4-05285E</u>
Research	<u>Bobby Fleury</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
SHA	<u>Doug Mills</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
PEPCO	<u>Jose Washington</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Parks	<u>Doug Powell</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DRD	<u>Steve Smith</u>	<u> </u>	<u> </u>	<u>4-10-07</u>	<u>Revise See Plat / Sub. Name</u>

Final DRD Review:

DRD Review Complete: Initial SJS Date 12-19-07
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): Initial SJS Date 12-6-07
 Final Mylar w/Mark-up & PDF Rec'd: Initial SJS Date 12/19/07

Board Approval of Plat:

Plat Agenda: Initial SJS Date 1-3-08

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

No.



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

OCT 16 2007

MCPB No. 07-161
Preliminary Plan No. 12006077A
Kwan Property Amendment
Date of Hearing: September 6, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

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 May 2, 2007, Jung-Chang and H. T. Kwan ("Applicant"), filed an application for approval of a preliminary plan of subdivision amendment for property that would create two lots on 1.10 acres of land located on the west side of Duffie Mill Road, approximately 250 north of the intersection with Flint Grove Lane ("Property" or "Subject Property"), in the Potomac Master Plan Area ("Master Plan"); and

WHEREAS, the Subject application is an amendment to the previously approved preliminary plan of subdivision which reconfigures the boundary between two (2) lots for the construction of two (2) one-family detached dwelling units, one of which already exists. The original preliminary plan was approved by the Planning Board in November, 2006. During the subsequent review of the record plat, it was discovered that one of the approved lots did not meet the minimum 100-foot lot width requirement of the R-200 zone. This amendment proposes to modify the lot line to provide adequate width, which will comply with the requirement of the zone.

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 12006077A, Kwan Property Amendment ("Preliminary Plan" or "Application"); and

¹ 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

KE Dugan

7/13/07

8787 Georgia Avenue, Suite 200
MNCPPC Legal Department

www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

100% recycled paper

WHEREAS, Staff issued a memorandum to the Planning Board, dated June 22, 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 September 6, 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 September 6, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by Commissioner Cryor, with a vote of 5-0, Commissioners Bryant, Hanson, and Lynch voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. #12006077A to create two lots on 1.10 acres of land located located on the west side of Dufief Mill Road, approximately 250 north of the intersection with Flint Grove Lane ("Property" or "Subject Property"), in the Potomac Master Plan Area ("Master Plan"), subject to the following conditions:

- 1) Approval under this preliminary plan amendment is limited to two (2) residential lots for the construction of two (2) one-family detached dwelling units.
- 2) Compliance with conditions of MCDPWT letter dated July 16, 2007, unless otherwise amended.
- 3) Compliance with the conditions of the MCDPS stormwater management approval dated June 2, 2006.
- 4) Compliance with the tree save plan received by Environmental Planning on September 21, 2006.
- 5) Other necessary easements.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

The Potomac Master Plan did not specifically address the Subject Property but highlighted parcels recommended for changes in use and/or density. The master plan supports the retention and reconfirmation of existing zoning for all developed, underdeveloped, and undeveloped land in the subregion, except for those sites recommended for change. The Subject Property is located in North Potomac in the Potomac Master Plan Area and is not identified for change in use or density. The proposed preliminary plan is consistent with the master plan because it retains the one-family detached zoning.

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

The Planning Board finds that the Kwan Property, Amendment complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the proposed lot.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The Planning Board further finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision, and with this amendment, the proposed lot meets minimum width requirements. The Planning Board finds that the preliminary plan now meets regulations as specified in the Zoning Ordinance. Building height is limited to 50 feet and will be verified by the Montgomery County Department of Permitting Services upon review of the building permit application.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The subject site qualifies for an exemption from submitting a forest conservation plan under section 22A-5(s) of the Montgomery County code, because it is less than 1.5 acres in size with no existing forest. An exemption to submit a forest conservation plan was granted on July 27, 2005 with the requirement that the applicant prepare a tree save plan.

The tree save plan proposes removal of eight large trees, only one of which is in good condition. The one good-condition tree is in the location of the proposed dwelling. Other trees to be removed are in poor to fair condition and are located either within the Dufief Mill Road right-of-way, in the public utility easement, or in the line of the proposed driveway. The tree save plan includes the retention of eight other large trees located around the existing house, along the property line to the north, and to the front of the proposed house. The Applicant proposes extraordinary measures to limit damage to the critical root zones of retained trees, such as, aeration and root protection matting under the driveway. The proposed tree save plan has been determined to be acceptable.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

On June 2, 2006, the MCDPS Stormwater Management Section approved the stormwater management concept for the project, which includes drywells, appropriate grading, vegetation stabilization and drainage.


BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed [MODIFY AS REQUIRED IF BOARD APPROVES PHASES WITH CONCURRENT VALIDITY PERIODS – OR DELETE IF PHASED VALIDITY PERIODS ARE SET FORTH IN CONDITIONS OF APPROVAL]; and

BE IT FURTHER RESOLVED, that the date of this Resolution is OCT 18 2007 (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 Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

At its regular meeting, held on Thursday September 20, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Lynch, seconded by Commissioner Bryant with Chairman Hanson, Vice Chair Robinson, and Commissioners Bryant, Cryor, and Lynch present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 12006077A, Kwan Property Amendment.


Royce Hanson, Chairman
Montgomery County Planning Board

PLAT NO. 220080010

Taylor Subdivision

Located at the southern terminus of Arnet Lane

R-90 zone; 2 lots

Community Water, Community Sewer

Master Plan Area: Bethesda-Chevy Chase

Arnet Lane Partners, LLC, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120060550, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plan.

RECORD PLAT REVIEW SHEET

Plan Name: Taylor Subdivision Plan Number: 120060550
 Plat Name: Taylor Subdivision Plan Number: 2-20080010
 Plat Submission Date: 7/3/07
 DRD Plat Reviewer: TA
 DRD Prelim Plan Reviewer: D. Kinney

Initial DRD Review:

Signed Preliminary Plan - Date 8/2/07 Checked: Initial DMK Date 11/9/07
 Planning Board Opinion - Date 7/6/07 Checked: Initial TA Date 8/13/07
 Site Plan Req'd for Development? Yes No Verified By: TA (initial)
 Site Plan Name: Site Plan Number:
 Planning Board Opinion - Date Checked: Initial Date
 Site Plan Signature Set - Date Checked: Initial Date
 Site Plan Reviewer Plat Approval: Checked: Initial Date

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>C. Bunnag</u>	<u>7-19-07</u>	<u>8-3-07</u>	<u>8-1-07</u>	<u>EXEMPT - TREE SAVE REQ.</u>
Research	<u>Bobby Fleury</u>	<u> </u>	<u> </u>	<u>7-24-07</u>	<u>OK</u>
SHA	<u>Doug Mills</u>	<u> </u>	<u> </u>	<u> </u>	<u>N/A</u>
PEPCO	<u>Steve Baxter</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Parks	<u>Doug Powell</u>	<u> </u>	<u> </u>	<u>7-24-07</u>	<u>OK</u>
DRD	<u>Nellie Carey</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

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

Engineer Notified (Pick up Mark-up):

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

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

SSSSSSSSSSSS

Date

12-18-0711-9-0712-10-071-3-07 No.

PRELIMINARY SUBDIVISION PLAN 120060550
EXPLAIN TO THE GOVERNMENT, PRELIMINARY LOT 8 AND LOT 6, BLOCK 8
PRELIMINARY SUBDIVISION PLAN 120060550

APPROVED FOR THE PROJECT BY THE
LOCAL GOVERNMENT
LOCAL GOVERNMENT BLOCK 8
LOCAL GOVERNMENT BLOCK 8

DATE
NO
NO

Dewberry
2000 University Avenue, Suite 1
Montgomery, AL 36102
Tel: 205.261.1111
Fax: 205.261.1112

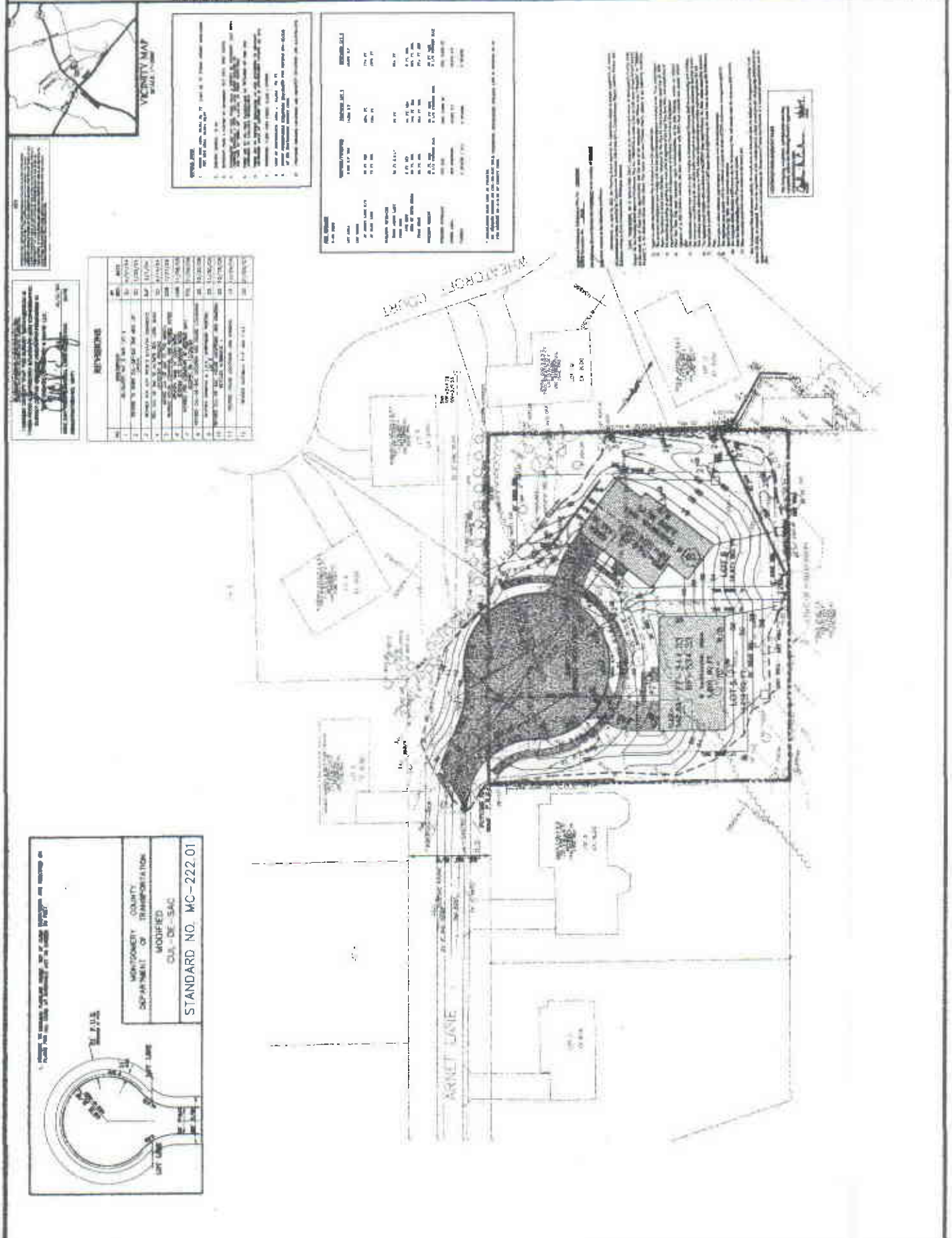


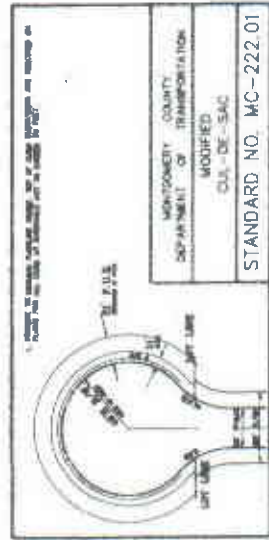
Table with 4 columns: LOT, AREA, PERCENT, and REMARKS.

LOT	AREA	PERCENT	REMARKS
1	1.00	100.00	100.00%
2	1.00	100.00	100.00%
3	1.00	100.00	100.00%
4	1.00	100.00	100.00%
5	1.00	100.00	100.00%
6	1.00	100.00	100.00%
7	1.00	100.00	100.00%
8	1.00	100.00	100.00%
9	1.00	100.00	100.00%
10	1.00	100.00	100.00%
11	1.00	100.00	100.00%
12	1.00	100.00	100.00%
13	1.00	100.00	100.00%
14	1.00	100.00	100.00%
15	1.00	100.00	100.00%
16	1.00	100.00	100.00%
17	1.00	100.00	100.00%
18	1.00	100.00	100.00%
19	1.00	100.00	100.00%
20	1.00	100.00	100.00%
21	1.00	100.00	100.00%
22	1.00	100.00	100.00%
23	1.00	100.00	100.00%
24	1.00	100.00	100.00%
25	1.00	100.00	100.00%
26	1.00	100.00	100.00%
27	1.00	100.00	100.00%
28	1.00	100.00	100.00%
29	1.00	100.00	100.00%
30	1.00	100.00	100.00%
31	1.00	100.00	100.00%
32	1.00	100.00	100.00%
33	1.00	100.00	100.00%
34	1.00	100.00	100.00%
35	1.00	100.00	100.00%
36	1.00	100.00	100.00%
37	1.00	100.00	100.00%
38	1.00	100.00	100.00%
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40	1.00	100.00	100.00%
41	1.00	100.00	100.00%
42	1.00	100.00	100.00%
43	1.00	100.00	100.00%
44	1.00	100.00	100.00%
45	1.00	100.00	100.00%
46	1.00	100.00	100.00%
47	1.00	100.00	100.00%
48	1.00	100.00	100.00%
49	1.00	100.00	100.00%
50	1.00	100.00	100.00%
51	1.00	100.00	100.00%
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98	1.00	100.00	100.00%
99	1.00	100.00	100.00%
100	1.00	100.00	100.00%

NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO THE CENTER OF THE LOT.
3. ALL DIMENSIONS ARE TO THE CENTER OF THE LOT.
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Table with 4 columns: LOT, AREA, PERCENT, and REMARKS.

LOT	AREA	PERCENT	REMARKS
1	1.00	100.00	100.00%
2	1.00	100.00	100.00%
3	1.00	100.00	100.00%
4	1.00	100.00	100.00%
5	1.00	100.00	100.00%
6	1.00	100.00	100.00%
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MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUL 16 2007

MCPB No. 07-98
Preliminary Plan No. 120060550
Taylor Subdivision
Date of Hearing: April 12, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

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 November 9, 2005, Arnet Lane Partners, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 2 lots on 0.89 acres of land located on the south side of Arnet Lane, approximately 440 feet east of the intersection with Wilson Lane ("Property" or "Subject Property"), in the Bethesda Chevy Chase Master Plan master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120060550, Taylor Subdivision ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated March 30, 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 April 12, 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

¹ 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

MNCPPC Legal Department
www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320
E-Mail: mcp-chairman@mncppc.org

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WHEREAS, on April 12, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 4-1, Commissioners Bryant, Hanson, Perdue, and Robinson voting in favor; Commissioner Wellington opposed.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120060550 to create 2 lots on 0.89 acres of land located on the south side of Arnet Lane, approximately 440 feet east of the intersection with Wilson Lane ("Property" or "Subject Property"), in the Bethesda Chevy Chase Master Plan master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to two (2) residential lots.
- 2) The proposed development must comply with the tree save recommendations included in the *"Tree Preservation Report: Residences at Arnet Lane, Bethesda, Maryland"* by The Care Of Trees Consultants, dated July 20, 2006.
- 3) No demolition, clearing, or grading may occur prior to approval of the Final Tree Save Plan, and completion of required inspections per Section 110 (*Inspections*) of the Forest Conservation Regulations.
- 4) Final Tree Save Plan must incorporate report recommendations on the plan drawing, include an original signature of an ISA Certified Arborist, and show consistency with DPS's final sediment and erosion control plan.
- 5) The Applicant's engineer must submit a plan drawing to Environmental Planning Staff demonstrating and certifying that stormwater run-off leaving the site can be safely conveyed to an approved publicly maintained drainage system. This condition must be addressed prior to DPS's release of the sediment and erosion control permit for the site.
- 6) The Applicant must comply with conditions of MCDPWT letter dated February 14, 2006, unless otherwise amended.
- 7) Record plat to provide for dedication of 5,007 square feet of right-of-way for Arnet Lane as shown on the Preliminary Plan.
- 8) Record plat to reflect common ingress/egress easements over all shared driveways.
- 9) The Applicant must comply with the conditions of approval of the MCDPS stormwater management approval dated October 28, 2005, unless otherwise amended.
- 10) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 11) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

The Bethesda Chevy Chase Master Plan does not specifically identify the Subject Property for discussion, but gives general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the low-to-medium density residential character. The master plan supports new and infill development that preserves and maintains the integrity of the existing neighborhoods. This Preliminary Plan includes two (2) one-family detached units, one that replaces an existing dwelling. The proposed resubdivision complies with the recommendations adopted in the master plan in that it is a request for residential development.

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

Local Area Transportation Review

The Subject Property will generate less than 30 peak hour trips and does not require a Local Area Transportation Review (LATR). Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Over Length Cul-de-Sac

Pursuant to Section 50-26 (d) of the Subdivision Regulations, the Board may approve the use of a cul-de-sac when an improved street layout will result because of the unusual shape, size or topography of the subdivision. Unrestricted use of cul-de-sacs shall not be permitted. A cul-de-sac shall not be longer than five hundred (500) feet, measured on its centerline, unless, by reason of property shape, size, topography, large lot size, or improved street alignment, the Board may find a greater length to be justified.

The Subject Property is located on Arnet Lane approximately 440 feet east of the intersection with Wilson Lane. The existing Arnet Lane provides access to and terminates at the Subject Property. In conjunction with the development of the Subject Property, a cul-de-sac configuration is required by the Department of

Public Works and Transportation (DPWT) at the terminus of Arnet Lane to create a proper turn-around. The cul-de-sac extends onto and provides access for the Subject Property. The proposed length of the cul-de-sac is approximately 530 feet. Since the cul-de-sac configuration is required as the only option for proper termination of the road, it is justified in that it improves the street alignment and access.

Reduced Width Tertiary

Pursuant to Section 50-26 (h) of the Subdivision Regulations, the standard right-of-way width of a tertiary street is fifty (50) feet. However, an applicant may voluntarily submit to site plan review and at that stage the Planning Board may approve a lesser width if it can be demonstrated that: (1) this lesser width is environmentally better; or allows better use of the parcel under consideration. In no case shall the right-of-way be less than twenty-seven (27) feet four (4) inches for two-way traffic and twenty-one (21) feet four (4) inches for one-way traffic.

Due to limitations of the site, the Applicant is requesting a reduced width tertiary for the cul-de-sac. The Applicant contends that a modified width will allow better use of the site and minimize the impervious surface. Arnet Lane is classified as a tertiary street, which requires a right-of-way width of fifty (50) feet. The bulb of the cul-de-sac, which is proposed on the Subject Property, will have a right-of-way width of 45 feet with a full diameter of 90 feet.

Several trees located at the southern edge of the property are subject to a tree save plan. The reduced width tertiary will allow placement of the dwellings on the property in a manner that will accommodate the retention of these trees. Otherwise, the full width tertiary of the cul-de-sac would require the dwellings to be placed further south on the property which would be detrimental to the survival of these trees. As such, the reduced width tertiary will enhance the environmental features of the site.

The right-of-way improvements associated with the cul-de-sac include a 21-foot public use easement to accommodate a sidewalk and an 11-foot public improvement easement, as required by the DPWT. These, along with other improvements for the Subject Property, will provide the infrastructure needed for the development of the site. The bulb of the cul-de-sac occupies approximately one-fourth of the property, which will limit the location of the proposed dwellings within the building envelope. Given the limitations of the site, and the fact that this property is being required to provide all of the cul-de-sac, the reduced width tertiary minimizes the of land area associated with the road while providing adequate area to accommodate the dwellings. The use of the reduced width tertiary will allow better use of the Subject Property.

Requested Waiver of Site Plan

The Applicant is requesting a waiver of site plan review as it applies to the subject Preliminary Plan. Under Section 50-38 of the Subdivision Regulations, the Board may grant a waiver from subdivision requirements upon the determination that practical difficulties or unusual circumstances exists that prevent full compliance with the regulations. In this case, the Applicant is requesting a waiver of site plan, as required by Section 50-26 (h)(2), for a reduced width tertiary street. Without a reduced width tertiary, the cul-de-sac would need full dedication and require acquisition of additional land area from other properties that are not included in the subdivision.

The general purpose of site plan approval is to ensure that development of a site complies with the zoning provisions, to determine compatibility and spatial relationships of structures and uses, to determine adequate circulation, open space, grading and location of public utilities and services, and to protect environmental features. These features have been identified on the Preliminary Plan, as applicable, and have been reviewed and recommended for approval. Furthermore, Staff has consulted with the site plan review staff to determine whether a site plan will provide more information, which will be useful in the development of the site. It was determined that site plan review relevant to this Preliminary Plan would prove to be no additional benefit. The Board grants the requested waiver of site plan.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections, including the requirements for resubdivision, as discussed below. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Guidelines

There are no streams, wetlands, floodplains or environmental buffers on the property.

Forest Conservation

This site is exempt from the Forest Conservation Law per #4-04286E as a "Small Property" (less than 1.0 acre in size). Staff has approved a tree save plan for individual trees. Adherence to this plan is required by the conditions.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

On October 28, 2005, the MCDPS Stormwater Management Section approved the stormwater management concept for the project, which includes drywells, appropriate grading, vegetation stabilization, and drainage, which will be directed away from existing retaining walls.

6. *The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated by Staff in the Staff Report) ("Neighborhood"), as analyzed below.*

Frontage: In a neighborhood of 14 lots, lot frontages range from 25.48 feet to 137.36 feet. The proposed lots have frontages of 61 feet and 123 feet. Therefore, the proposed lot will be consistent in character with other lots in the neighborhood.

Area: In a neighborhood of 14 lots, lot buildable areas range from 3,479 square feet to 16,734 square feet. The proposed lots have areas of 5,694 and 10,369 square feet. The proposed resubdivision will be consistent in character with the existing lots in the neighborhood with respect to buildable area.

Lot Size: The lot sizes in the delineated neighborhood range from 10,042 square feet to 30,119 square feet. The proposed lots will have lot sizes of 14,428 square feet and 19,516 square feet. Therefore, the lot size of the proposed lots will be of the same character as the existing lots in the neighborhood.

Lot Width: The lot widths in the existing neighborhood range from 47.54 feet to 116.70 feet. The proposed lots have widths of 112 and 142 feet. Lot 6 will have the greatest width, and is at the highest end of the range of lot widths in the neighborhood. The width of the lot is measured at the front of the dwelling. The proposed dwelling on Lot 6 is depicted on the plan to be placed horizontally on the lot due to the irregular lot shape. This placement of the dwelling creates a greater width, but is not out of character with the other lots in the existing neighborhood. As such, Lot 5 and Lot 6 will be in character with the existing lots in the neighborhood.

Shape: The existing lots in the neighborhood consist of one (1) pipestem shaped lot, seven (7) irregularly shaped lots and six (6) rectangular shaped lots. The plan proposes two irregular lots, which will be consistent in character with the existing lots in the neighborhood.

Alignment: There is one (1) angular lot in the neighborhood, two (2) corner lots, three (3) radial lots and eight (8) perpendicular lots in the neighborhood. The plan proposes two (2) radial lots, which will be in character with the other lots in the neighborhood.

Suitability: The existing lots and the proposed lots are suitable for residential use.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is June 6, 2007 (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

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

At its regular meeting, held on Thursday, July 5, 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 Preliminary Plan No. 120060550, Taylor Subdivision.



Royce Hanson, Chairman
Montgomery County Planning Board

PLAT NO. 220080290 – 220080310

Greenway Village

Located on the south side of Little Seneca Parkway, approximately 650 feet west of Newcut Road

PD-4 zone; 36 lots, 13 parcels

Community Water, Community Sewer

Master Plan Area: Clarksburg

The Artery Group, Applicant

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

RECORD PLAT REVIEW SHEET

Plan Name: Greenway Village at Clarksburg Plan Number: 17002033B
 Plat Name: Greenway Village Plat Number: 220080290
 Plat Submission Date: 8-15-07
 DRD Plat Reviewer: S Smith
 DRD Prelim Plan Reviewer: C. Conlon

Initial DRD Review:

Signed Preliminary Plan - Date 7-24-06 Checked: Initial CAC Date 9/25/07
 Planning Board Opinion - Date 4-26-06 Checked: Initial SJS Date 9-21-07
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: SJS (initial)
 Site Plan Name: Greenway Village Phases 3, 4, 5 Site Plan Number: 82004022A
 Planning Board Opinion - Date 8-9-06 Checked: Initial SJS Date 9-21-07
 Site Plan Signature Set - Date 9-11-06 Checked: Initial SJS Date 9-21-07
 Site Plan Reviewer Plat Approval: Checked: Initial PASK Date 12-19-07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>D. Johnson</u>	<u>9/5/07</u>	<u>9/21/07</u>	<u>9-12-07</u>	<u>OK</u>
Research	<u>Bobby Fleury</u>			<u>9-10-07</u>	<u>OK</u>
SHA	<u>Doug Mills</u>				
PEPCO	<u>Steve Baxter</u>				
Parks	<u>Doug Powell</u>				
DRD	<u>Nellie Carey</u>			<u>9-17-07</u>	<u>OK</u>

Final DRD Review:

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

Initial

Date

SJS12-19-07SJS9-24-07SJS12-4-07**Board Approval of Plat:**SJS1-3-08

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

No. _____

RECORD PLAT REVIEW SHEET

Plan Name: Greenway Village at Clarksburg Plan Number: 12002033B
 Plat Name: Greenway Village Plat Number: 220080300
 Plat Submission Date: 8-15-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: C. Carlen

Initial DRD Review:

Signed Preliminary Plan - Date 7-24-06 Checked: Initial CAC Date 9/25/07
 Planning Board Opinion - Date 4-26-06 Checked: Initial SJS Date 9-24-07
 Site Plan Req'd for Development? Yes X No Verified By: SJS (initial)
 Site Plan Name: Greenway Village Phases 3, 4, 5 Site Plan Number: 82004022A
 Planning Board Opinion - Date 8-9-06 Checked: Initial SJS Date 9-24-07
 Site Plan Signature Set - Date 9-11-06 Checked: Initial SJS Date 9-24-07
 Site Plan Reviewer Plat Approval: Checked: Initial PAK Date 12-19-07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>D. Johnson</u>	<u>9-5-07</u>	<u>9-21-07</u>	<u>9-12-07</u>	<u>OK</u>
Research	<u>Bobby Fleury</u>	<u> </u>	<u> </u>	<u>9-16-07</u>	<u>OK</u>
SHA	<u>Doug Mills</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
PEPCO	<u>Steve Baxter</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Parks	<u>Doug Powell</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DRD	<u>Nellie Carey</u>	<u>✓</u>	<u>✓</u>	<u>9-17-07</u>	<u>OK</u>

Final DRD Review:

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

Initial SJS Date 12-17-07
SJS 9-24-07
SJS 12-4-07

Board Approval of Plat:

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

SJS 1-3-08

DPS Approval of Plat:

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

Plat Reproduction:

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

No. _____

RECORD PLAT REVIEW SHEET

Plan Name: Greenway Village at Clarksburg Plan Number: 12002033B
 Plat Name: Greenway Village Plat Number: 220680310
 Plat Submission Date: 8-15-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: C. Carlson

Initial DRD Review:

Signed Preliminary Plan - Date 7-24-06 Checked: Initial CAC Date 9/25/07
 Planning Board Opinion - Date 4-26-06 Checked: Initial SJS Date 9-24-06
 Site Plan Req'd for Development? Yes ☒ No ☐ Verified By: SJS (initial)
 Site Plan Name: Greenway Village Phase 3, 4, 5 Site Plan Number: 82004022A
 Planning Board Opinion - Date 8-9-06 Checked: Initial SJS Date 9-24-07
 Site Plan Signature Set - Date 9-11-06 Checked: Initial SJS Date 9-24-07
 Site Plan Reviewer Plat Approval: Checked: Initial PAK Date 12-19-07

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>D. Jensen</u>	<u>9-5-07</u>	<u>9-21-07</u>	<u>9-12-07</u>	<u>OK</u>
Research	Bobby Fleury	<u>↓</u>	<u>↓</u>	<u>9-10-07</u>	<u>3 Coordinates Needed</u>
SHA	Doug Mills	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>—</u>
PEPCO	Steve Baxter	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>—</u>
Parks	Doug Powell	<u>↓</u>	<u>↓</u>	<u>—</u>	<u>—</u>
DRD	Nellie Carey	<u>↓</u>	<u>↓</u>	<u>9-17-07</u>	<u>OK</u>

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

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

Engineer Notified (Pick up Mark-up):

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

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

SJSSJSSJSSJS——————————————

Date

12/19/079-24-0712/17/071-3-08——————————————No. —



I, J. H. HARRIS, being duly sworn, depose and say that I am the author of the above and true and correct copy of the same, and that I am a duly licensed Professional Engineer in the State of Maryland.

J. H. HARRIS
 Professional Engineer
 State of Maryland
 License No. 10000

J. H. HARRIS
 Professional Engineer
 State of Maryland
 License No. 10000

J. H. HARRIS
 Professional Engineer
 State of Maryland
 License No. 10000

Lot No.	Area (Ac.)	Area (Sq. Ft.)	Notes
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DATE	FILE NO.
PROJECT NO.	APPROVED BY
DESIGNED BY	CHECKED BY
DRAWN BY	IN CHARGE

RECEIVED & APPROVED FOR THE BOARD OF SUPERVISORS

DATE: _____

SIGNATURE: _____

CLERK

GREENWAY VILLAGE AT CLARKSBURG CLARKSBURG (2nd) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

CPI ASSOCIATES
Charles P. Johnson & Associates, Inc.
11000 Greenway Village at Clarksburg
Clarksburg, Maryland 21710
Tel: 301-281-1100
Fax: 301-281-1101



SECTION 1: GENERAL NOTES

1. The project is located within the Greenway Village at Clarksburg, Montgomery County, Maryland. The project area is bounded by [describe boundaries].

2. The project is subject to the following conditions:

- a. The project must be completed within the specified time frame.
- b. The project must comply with all applicable laws and regulations.
- c. The project must be completed in accordance with the approved plans and specifications.

SECTION 2: SITE DESCRIPTION

The project site is located within the Greenway Village at Clarksburg, Montgomery County, Maryland. The site is bounded by [describe boundaries]. The site is currently undeveloped and is surrounded by [describe surrounding area].

SECTION 3: PROJECT DESCRIPTION

The project consists of the construction of a new [describe project details]. The project is located within the Greenway Village at Clarksburg, Montgomery County, Maryland. The project is bounded by [describe boundaries].

SECTION 4: PROJECT SCHEDULE

The project is scheduled to be completed by [describe schedule]. The project is located within the Greenway Village at Clarksburg, Montgomery County, Maryland. The project is bounded by [describe boundaries].

SECTION 5: PROJECT BUDGET

The project has a total budget of [describe budget]. The project is located within the Greenway Village at Clarksburg, Montgomery County, Maryland. The project is bounded by [describe boundaries].

SECTION 6: PROJECT RISK ASSESSMENT

The project has been assessed for risk and is classified as [describe risk level]. The project is located within the Greenway Village at Clarksburg, Montgomery County, Maryland. The project is bounded by [describe boundaries].

SECTION 7: PROJECT COMMUNICATIONS

The project will be managed through a series of regular communications. The project is located within the Greenway Village at Clarksburg, Montgomery County, Maryland. The project is bounded by [describe boundaries].

SECTION 8: PROJECT MONITORING

The project will be monitored throughout its duration. The project is located within the Greenway Village at Clarksburg, Montgomery County, Maryland. The project is bounded by [describe boundaries].

SECTION 9: PROJECT EVALUATION

The project will be evaluated at the end of its duration. The project is located within the Greenway Village at Clarksburg, Montgomery County, Maryland. The project is bounded by [describe boundaries].

SECTION 10: PROJECT CLOSURE

The project will be closed upon completion. The project is located within the Greenway Village at Clarksburg, Montgomery County, Maryland. The project is bounded by [describe boundaries].

**Date Mailed:** APR 26 2006**Action:** Approved Staff Recommendation**Motion** of Commissioner Perdue, seconded by
Commissioner Bryant, with a vote of 4-1:
Chairman Berlage and Commissioners Perdue,
Bryant, and Robinson voting in favor;
Commissioner Wellington voting against.**MONTGOMERY COUNTY PLANNING BOARD****OPINION**

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

The date of this written opinion is APR 26 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

I. Introduction

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

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

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

II. SITE DESCRIPTION and SURROUNDING AREA

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

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

III. PREVIOUS APPROVALS

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

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

plans are set forth in the Planning Board Opinions dated October 16, 2002 and September 28, 2004.

IV. PROPOSED PRELIMINARY PLAN AMENDMENT

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

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

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

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

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

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

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

Montgomery County Department of Public Works and Transportation (DPWT) and Fire and Rescue Service (MCFRS) staff reviewed the waiver request and submitted their approval letters. Staff recommended approval of the waiver request, finding that the waiver is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

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

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

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

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

intersections have been designed as nearly as possible to right angles given the environmental constraints of the site. Therefore, staff testified that the roads meet the requirements of Section 50-26(e)(1) and that a waiver of this section is not necessary.

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

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

IV. PUBLIC HEARING

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

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

The Applicant appeared at the hearing represented by legal counsel, who expressed Applicant's concurrence with the Staff Report as conditioned.

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

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

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

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

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

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

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

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

V. FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies²; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board:

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

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

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

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

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

VI. CONDITIONS OF APPROVAL

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


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

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

P40 4/14/06
MONTGOMERY COUNTY

CERTIFICATION OF BOARD ADOPTION OF OPINION

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



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

The document is a scan of a page with a large, faint, illegible watermark or bleed-through from the reverse side. The page contains several lines of text, some of which are partially obscured by the watermark. The text appears to be a list or a series of entries, possibly related to a legal or official document. The overall quality is poor, with significant noise and artifacts.

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MCPB No. 06-57 AUG 09 2006

Site Plan No. 82004022A

Greenway Village - Phases 3, 4, 5

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Preliminary Plan Conformance

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

2. Fire and Rescue Services

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

3. Development Program

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

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

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

4. Certified Site Plan

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

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

5. Environmental Planning

The Applicant shall:

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

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

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

6. Parks

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

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

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

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

7. Site Plan

The Applicant shall:

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

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

8. Transportation

The Applicant shall:

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

9. School Dedication

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

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

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

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

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

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

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

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

Development Data Table

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

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

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

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

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

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

a. Buildings and Structures

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

b. Open Spaces

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

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

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

c. Landscaping

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

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

d. Recreation Facilities

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

e. Pedestrian and Vehicular Circulation Systems

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


* * * * *

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

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




Derick P. Berlage
Chair, Montgomery County Planning Board



Trudye M. Johnson
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC LEGAL DEPARTMENT